

# **Rediscovering Europe: Political Challenges in the 21<sup>st</sup> Century EU**

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Institute of Political Science and Journalism  
Adam Mickiewicz University  
Poznań 2007

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Projekt współfinansowany ze środków budżetu państwa  
i środków Unii Europejskiej  
w ramach Europejskiego Funduszu Społecznego



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Adam Mickiewicz University,  
89 Umultowska Street, 61-614 Poznań, Poland, tel. (061) 829 01 06

**ISBN 978-83-60677-25-5**

Skład komputerowy – „MRS”  
60-408 Poznań, ul. P. Zołotowa 23, tel. 061 843 09 39  
Druk i oprawa – „Wieland” Drukarnia Cyfrowa, Poznań

## Contents

Introduction . . . . .	5
PIOTR EBBIG	
The Forms of Political Integration Exemplified by European Experiences.	
Theoretical Overview . . . . .	7
PAWEŁ LESZCZYŃSKI	
Federation or Confederation – European Integration Models Discussed . . . . .	21
ZBIGNIEW CZACHÓR	
The Problem of Permanent Breaching of the Integration System Balance after EU Enlargement and the Constitutional Treaty. The Principles of Analysis on the Basis of European Integration Theory . . . . .	31
MAGDALENA MUSIAŁ-KARG	
Direct Democratic Government in the European Union . . . . .	35
BRUNO KAUFMANN	
Towards Transnational Democracy – the New European Approach . . . . .	47
ENRIQUE BANÚS	
Intercultural Dialogue: A Challenge for the European Union at the Beginning of the 21 <sup>st</sup> Century . . . . .	67
JAROSŁAW JAŃCZAK	
Europeanization of Trans-border Communities. The Polish-German Case . . . . .	77
MARCIN WITKOWSKI	
Europeanization of the Polish Social Dialogue in Labor Relations . . . . .	89
AHMET SÜERDEM, GÜNEY ÇOBAN	
Rhetoric of ‘Europeanization’ and ‘Globalization’: Discursive Construction of European Exceptionalism through the ‘European Social Model’ . . . . .	99
ADAM SZYMAŃSKI	
The Prospects for the EU Membership of Turkey. . . . .	117
WOJCIECH FORYSINSKI, PRZEMYSŁAW OSIEWICZ	
Should Poland Support EU Membership for Turkey? Convergent and Divergent Interests . . . . .	127
About the Authors . . . . .	
	147



## **Introduction**

The European integration process is one of the most relevant factors in creating the reality of both the European and global environment in their political, economic and cultural aspects. The history of the continent's unification reveals the extremely difficult path from conflicted and divided states and nations to structures embodying a high level of cooperation and interdependence. The current state of integration is undoubtedly a great success of its initiators and contributors, who managed to overcome a range of obstacles. The current appearance of the Community could then be seen as an ambitious project proposed by a group of idealists at a time when its implementation and the results of that implementation were far from obvious. However, present integration dynamics create – despite unique circumstances – in a similar way a sort of uncertainty and vagueness from the point of view of different aspects of integration. The deepening and widening of community ties as well as new challenges make defining the final shape of the European Union very problematic and predicting developments in various sectors demanding, especially from the academic point of view.

This book constitutes an attempt to outline the most urgent issues in the European agenda. It consists of eleven contributions prepared by thirteen scholars representing Cypriot, Dutch, French, German, Polish, Spanish and Turkish universities and institutions. The volume is thematically divided into four interconnected parts, starting from the institutional shape and future of the European Union, through to the problem of democracy in community developments, diversity with europeanization process analysis, and is finally completed by an analysis of one of the most demanding challenges of the integration process – Turkish membership of the European Union.

The first thematic section is initiated by Piotr Ebbig's paper that analyses current and future forms of political integration in the EU. The key question here is the inter-governmental vs. supranational model tested on the Community's external policy. Paweł Leszczyński continues this investigation, analyzing the federal and confederated models of integration in the context of the recently enlarged Union. Zbigniew Czachór in the third article indicates the most important elements of the problem of a permanent breach in the balance of the integration system after the recent EU enlargement and the Constitutional Treaty. His findings are based on European integration theory.

The second section concentrates on democracy. Here Magdalena Musiał-Karg presents research on direct democratic government in the EU. Her main interest is the role of national referendums in the democratic deficit in EU problem solving as well as referendum analyses in a European context. Bruno Kaufmann follows this direction with considerations devoted to transnational democracy. He focuses on the New European Approach.

The third part deals with differences and Europeanization. Enrique Banús describes intercultural dialogue as one of the main challenges for the European Union. His perspective is one of unity in diversity, especially in the cultural field. Jarosław Jańczak investigates the Europeanization of trans-border communities, showing how differences on the Polish – German border have been diminishing between previously isolated communities as a result of the European integration process. Marcin Witkowski does the same thing looking at the example of social dialogue in labor relations in Poland. He presents the influence of the EU on Central Europe. Finally Ahmet Süerdem and Güney Çoban analyze the rhetoric of ‘Europeanization’ and ‘Globalization.’ They describe how European Exceptionalism is constructed through the ‘European Social Model.’

The last part of the book concentrates on one of the prospective members of the Union-Turkey. Adam Szymański discusses the opportunities and obstacles determining Turkish membership. This paper is followed by an investigation by Wojciech Forysiński and Przemysław Osiewicz. They try to identify the reasons why Poland, as one of the new EU countries (which for purely economic, political and cultural reasons ought to be opposing Turkish entry), supports this further enlargement.

This book was planned as a contribution to the current debate on the most relevant topics from the point of view of the further development of European integration processes. It should be treated as one of the voices in discussions of the European Union, created in the Institute of Political Science and Journalism at Adam Mickiewicz University by an international group of academics.

## The Forms of Political Integration Exemplified by European Experiences. Theoretical Overview

“In the autumn of 2020, the heads of government of thirty European countries gathered in Berlin to sign the treaty founding the Confederation of the United States of Europe. The ceremony in the Reichstag opened to a swirling rendition of Beethoven’s ‘Ode to Joy’ and continued with a keynote address by Tony Blair, elder statesman. As delegates raised their glasses of pink champagne, Blair posed an uncomfortable question: Would the new confederacy be capable of wielding the political power commensurate with its economic weight?”<sup>1</sup>

In this specific vision of Europe’s future, Barber anticipates that in 13 years the European Union will be a kind of confederation. At the same time author puts the questions about its political capability – in other words – its ability to protect its interests and its effectiveness on the international stage in the fields of foreign policy and security.

“Early in (...) 2007, the European Union will celebrate its fiftieth anniversary. In many respects, Europe will be able to proclaim a spectacular success: reconciliation between France and Germany, the launch of the single European market, and the launch of the Euro in 1999.”<sup>2</sup> The economic successes of the Western European integration are beyond doubt. However European political achievements at the same time are not so unambiguous.

Since the beginning of the integration processes the Community’s external activity was focused on the economic field, and in particular on commercial policy and development aid. The main reason for this situation was the collapse of the first political integration treaties, drafts like The European Defence Community Treaty which proposed creating a European Army,<sup>3</sup> or The European Political Community.<sup>4</sup> But it is also a fact that thanks to Community dynamics and to the establishment of the European Union with its Common Foreign and Security Policy, it has gradually been moving from being strictly economic in nature to increasingly involving the political and diplomatic spheres.<sup>5</sup>

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<sup>1</sup> L. Barber, *Europe in the New Century: A Scenario*, [in:] R. J. Guttman (ed.), *Europe in the New Century. Visions of Emerging Superpower*, London 2001, p. 7.

<sup>2</sup> L. Barber, *The European Project*, “Europe,” December 1999.

<sup>3</sup> *The European Defence Community*, Paris 27 May 1952, [in:] Ch. Hill, K. E. Smith, *European Foreign Policy. Key Documents*, London 2000, pp. 16–32.

<sup>4</sup> *Draft Treaty defining the Statute of the European Community adopted by the Ad Hoc Assembly on 10 March 1953 in Strasbourg*, European Parliament-Committee on Institutional Affairs, Selection of texts concerning institutional matters of the Community from 1950 to 1982, European Parliament, Luxembourg 1982, pp. 58–75.

<sup>5</sup> G. G. Quecedo, B. B. Atienza, *Towards a Common European Diplomacy? Analysis of the European Parliament Resolution on Establishing a Common Diplomacy*, Serie de Documentos de Trabajo del Instituto de Estudios Europeos, nr 3, 2001, p. 4.

Javier Solana – EU High Representative for the Common Foreign and Security Policy – said: “It is my belief that in this global age a Union of our size, with our interests, history and values, has an obligation to assume its share of responsibilities. We could, in theory, walk away from these responsibilities – but we could not escape the consequences of doing so. However, I am convinced that the same reasons that give the European Union responsibilities – our size and interests, our history and values – also equip us to take responsibilities. The question, therefore, is not whether we play a global role, but how we play that role.”<sup>6</sup>

The European Union since the establishment of the Common Foreign and Security Policy confirms the political willingness and readiness for playing a ‘global role.’ The EU’s impact on the world is in part a function of policy effectiveness, and could be used as an indirect measure of cooperation. However, while critics of Europe’s global ambitions frequently point to the EPC’s failure to ‘solve’ (or even to positively impact) complex international problems, such as the Arab-Israeli conflict or the breakup of Yugoslavia, they also unfairly and too readily overlook the more fundamental purposes of EU foreign policy cooperation.<sup>7</sup>

The essential objective of this essay is the comprehensive analysis of current and possible future forms of political integration, and – in consequence – finding an answer for the fundamental question: How does the division of power between national and supranational levels of authority influence the Union’s foreign policy effectiveness?

Integration is defined as: “The making up or composition of a whole by adding together or combining the separate parts or elements; combination into an integral whole: a making whole or entire,” “the combining of diverse parts into a complex whole.”<sup>8</sup> The similar elements are underlined by the definition given by *The Free Dictionary*: “the act of combining into an integral whole.”<sup>9</sup>

The *Oxford Dictionary* also defines the verb ‘to integrate’ as: “To render entire or complete; to make up, compose, constitute (a whole): said of the parts or elements” or “to put or bring together (parts or elements) so as to form one whole; to combine into a whole.”<sup>10</sup> An interesting definition was presented by Thomas De Quincey in 1862. Integration is understood as: “The fragmentary contribution of one being integrated by the fragmentary contributions of others.”<sup>11</sup> In physiology the term integration means: “tending to integrate all into one comprehensive whole.”<sup>12</sup> In medicine there is another interesting definition in which the integration process is characterized as: “the process by which the different parts of an organism are made a functional and structural

<sup>6</sup> *Europe’s Place In The World*, Address By Javier Solana EU High Representative for the Common Foreign And Security Policy, Danish Institute Of International Affairs, Copenhagen, 23 May 2002.

<sup>7</sup> M. E. Smith, *Europe’s Foreign and Security Policy. The Institutionalization of Cooperation*, Cambridge 2004, p. 4.

<sup>8</sup> *Oxford English Dictionary* (<http://dictionary.oed.com>).

<sup>9</sup> *The Free Dictionary* (<http://www.thefreedictionary.com/combining>).

<sup>10</sup> *Oxford English Dictionary* (<http://dictionary.oed.com>).

<sup>11</sup> T. De Quincey, *Works a 1859 (1853–60, 1862–71, 1889–90)*, p. 58; as quoted by *Oxford English Dictionary*, (<http://dictionary.oed.com>).

<sup>12</sup> J. H. Green, *Basic clinical physiology*, Oxford Medical Publications 1969, p. 103.

whole”<sup>13</sup> There are also many definitions underlying one of the major goals of the integration process – the elimination of barriers.<sup>14</sup>

Kym Anderson and Richard Blackhurst’s term ‘regional economic integration’ is used to refer to the processes of reducing the economic significance of national political boundaries within a geographical area, either as a result of inter-state dialogue, or through non-state directed forces.<sup>15</sup>

An interesting point of view is presented by Shaun Breslin and Glenn D. Hook: “what is significant to our discussion is not whether economic and other interactions should be regarded as regional ‘integration’ or not, but that economic regionalization at whatever level is seen as a multifaceted and interrelated process that can include cooperation, harmonization, and convergence as well as integration, per se.”<sup>16</sup>

In the area of international relationships<sup>17</sup> Ernest B. Haas defined integration as “the process whereby political actors in several distinct national settings are persuaded to shift loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states.”<sup>18</sup>

For Karl W. Deutsch “to integrate generally means to make a whole out of parts – that is, to turn previously separate units into components of a coherent system.”<sup>19</sup> In turn, ‘political integration’ Deutsch defined as “the integration of political actors or political units, such as individuals, groups, municipalities, regions, or countries, in regard to their political behavior.”<sup>20</sup>

The distinctive neo-functionalist concepts relate to the role and activities of the integrationist elites and the significance of the policy process in which they are involved, the mechanisms of supranational bureaucratic problem-solving and spillover.<sup>21</sup>

Neo-functional theories of integration suggest another process: the logic by which institutionalized cooperation in one area requires cooperation in other domains via

<sup>13</sup> AmfAR, *The Foundation for AIDS Research*, Glossary (<http://www.amfar.org/cgi-in/iowa/index.html>).

<sup>14</sup> L. Mccutcheon Mathewson, *Harmonization of Product Liability Laws in the European Community: A Comparative Analysis of the Approaches of the Federal Republic of Germany and the United Kingdom*, “Law and Policy in International Business” 1993, vol. 24.

<sup>15</sup> K. Anderson, R. Blackhurst, *Introduction and Summary*, [in:] K. Anderson, R. Blackhurst (eds.), *Regional Integration and the Global Trading System*, Harvester Wheatsheaf, New York 1993, pp. 1–15.

<sup>16</sup> S. Breslin, G. D. Hook, *Microregionalism and World Order...*, op. cit., p. 15.

<sup>17</sup> There are many publications on the theory of integration on the ground of international relationships e.g.: E. Hartog, *European Economic Integration. A Realistic Conception*, Weltwirtschaftliche Archiv, nr 1 1953 (2); L. Lindberg, S. Scheingold (ed.), *Regional Integration Theory and Research*, Harvard–Cambridge 1971; G. Myrdal, *An International Economy*, New Jersey 1965; P. Pescatore, *The Law of Integration. Emergence of New Phenomenon in International Relations. Based on the Experience of the European Communities*, Netherlands 1974; J. Tinbergen, *International Economic Integration*, Amsterdam 1954.

<sup>18</sup> E. B. Haas, *The Uniting of Europe*, Stanford 1958, p. 16.

<sup>19</sup> K. W. Deutsch, *The Analysis of international relations*, Prentice-Hall, INC. Eglewood Cliffs, New Jersey 1968, p. 198.

<sup>20</sup> Ibid.

<sup>21</sup> E. B. Haas, P. Schmitter, *Economics and Differential Patterns of Political Integration: Projections about Unity in Latin America*, “International Organizations” 1964, vol. 18, pp. 705–737.

‘functional spillover’ between issue-areas, or via ‘political spillover’ involving the activities of supranational EC actors, chiefly the Commission and the European Court of Justice.<sup>22</sup>

In one of the most influential works on post-war economic regionalism, Bella Ballassa used the term ‘economic integration’ to refer to the creation of formal cooperation between states.<sup>23</sup> Ballassa created a commonly known economic integration model consisting of different stages with its own elements, namely: a free trade area (no internal tariffs or quotas), customs union (common external tariff), an internal market (mobility factor – free movement of goods, persons, capital and services), economic and monetary union (single currency and harmonization of key economic policies) and complete economic integration (common economic policy).<sup>24</sup> Some researchers define the last stage as ‘political union’ characterized by the creation of common political institutions and the ceding of sovereignty to a supranational body.<sup>25</sup>

After this introductory analysis, the question arises about the possibility of creating a similar model in the sphere of political integration, which should be understood as integration processes in the foreign policy and security domains. The cooperation of Western European countries after World War II, more than twenty years of European Political Cooperation existence and the fifteen years of binding force of the Common Foreign and Security Policy system can form a starting point for indicating miscellaneous forms of integration, which are – as a theoretical issue – quantified by several distinct elements and parameters whose intention is creating a useful mechanism for scientists and research. The model of political integration consists of four essential forms of advanced cooperation:

1. Military Alliances;
  2. Non-institutionalized political cooperation;
  3. Institutionalized political cooperation/Common Foreign Policy;
  4. Political Union.
1. Military Alliances are a central and constant phenomenon in international politics throughout history.<sup>26</sup> As George Liska has put it: “It is impossible to speak of international relations without referring to alliances; the two often merge in all but name.”<sup>27</sup>

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<sup>22</sup> J. A. Caporaso, J. T. S. Keeler, *The European Union and Regional Integration Theory*, [in:] *The State of the European Union*, vol. III: *Building a European Polity?*, C. Rhodes, S. Mazey (eds.), 1993.

<sup>23</sup> B. Ballassa, *The Theory of Economic Integration*, Allen & Unwin, London 1961; as quoted by: S. Breslin, G. D. Hook, *Microregionalism and World Order: Concepts, Approaches and Implications*, [in:] S. Breslin, G. D. Hook (eds.), *Microregionalism and World Order*, Macmillan Publishers 2002, p. 13.

<sup>24</sup> Ibid.

<sup>25</sup> H. Dieter, *Monetary Regionalism: Regional Integration without Financial Crisis*, Institute for Development and Peace – Gerhard Mercator University Duisburg, Duisburg; As quoted by: M. Mayer, *Wechselkurspolitik und Wchstumsstabilität in Süd-Ostasien – warum die Bindung an individuelle Währungskörbe eine probate Lösung ist*, “Trends East Asia, Studie,” nr 4, Juni 2000, p. 29.

<sup>26</sup> S. Bergsmann, *The Concept of Military Alliance*, [in:] *Small States and Alliances*, E. Reiter, H. Gärtner (eds.), Physica-Verlag, Heidelberg 2001, p. 20.

<sup>27</sup> G. Liska, *Nations in Alliance. The Limits of Interdependence*, paperback edition, Baltimore 1968, p. 3; as quoted by: S. Bergsmann, *The Concept of Military Alliance*, op. cit., p. 20.

Unfortunately scholars engaged in theoretical research of the subject observe “the lack of an accepted definition of alliance.”<sup>28</sup> Ole Holsti, Terrence P. Hopmann and John D. Sullivan consider a military alliance as: “a universal component of relations between political units, irrespective of time or place.”<sup>29</sup>

An interesting analysis of the subject was presented by Stefan Bergsmann, who finally developed an interesting definition in accordance with which a military alliance is: “an explicit agreement among states in the realm of national security in which the partners promise mutual assistance in the form of a substantial contribution of resources in the case of a certain contingency the arising of which is uncertain.”<sup>30</sup> Literature on alliances has focused on collective defense – the principle objective of that kind of agreement – benefits and burden-sharing.<sup>31</sup> For Bergsmann, the assistance clause is “the core element of military alliances.”<sup>32</sup>

In the context of integration, the concept of military alliance bridges differences between participants in the area of defense. The participants must not have any conflicts or disputes between them. They also suppose the appearance of common enemies in the future. The first alliance treaty concluded in Europe after World War II was the Treaty of Dunkerque of 1947 between France and Great Britain. The Treaty was aimed against Germany (practically nonexistent as a state in 1947). This fact, but also the place of signing the treaty, prejudged the not integrational, but profound symbolic character of the Dunkerque agreement.<sup>33</sup> The first example of this integration form was the Brussels Treaty signed on 17 March 1948 (amended by the Protocol signed in Paris on 23 October 1954). The treaty was signed by Belgium, France, Luxembourg, Netherlands and the United Kingdom. An essential obligation was placed in article IV (after modification of article V): “*If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power.*”<sup>34</sup> There is also elimination of existing and potential discrepancies in article VI: “*The High Contracting Parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the High Contracting Parties or any third State is in conflict with the provisions of the present Treaty. None of the High Contracting Parties will conclude any alliance or participate in any coalition directed against any other of the High Contracting Parties.*”<sup>35</sup>

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<sup>28</sup> O. Holsti, T. P. Hopmann, J. D. Sullivan, *Unity and Disintegration in International Alliances*, Lanham–New York–London 1973, p. 3.

<sup>29</sup> Ibid., p. 2.

<sup>30</sup> S. Bergsmann, *The Concept of Military Alliance*, op. cit., p. 21.

<sup>31</sup> See: K. Hartley, *Defence Industrial Policy in a Military Alliance*, “Journal of Peace Research,” vol. 43, no 4, International Peace Research Institute, Oslo 2006, pp. 473–489.

<sup>32</sup> S. Bergsmann, *The Concept of Military Alliance*, op. cit., p. 21.

<sup>33</sup> *Dunkerque 1940 und Dunkerque 1947*, “Luxemburger Wort,” 05.03.1947, nr 64, p. 1.

<sup>34</sup> *Treaty of economic, social and cultural collaboration and collective self-defence*, Brussels, 17 March 1948, (<http://www.weu.int/index.html>).

<sup>35</sup> Ibid.

2. Non-institutionalized political cooperation – extraofficial political cooperation, exceeding beyond traditional diplomatic relationships. Such cooperation is not confirmed by treaty or any other document. The advancement of cooperation can be a result of integration in other spheres (functional spillover effect). As Michael E. Smith wrote: “ideas for a loose intergovernmental procedure to support political integration, one which enjoyed no permanent organizational support, were developed. Toward this end, France called for a conference of EU heads of state and government (and foreign ministers) in Paris on February 10–11, 1961.”<sup>36</sup> For the sake of accuracy it should be noted that in 1961 it was an EC – not EU summit, but Smith caught in fact meritum, the gist of this kind of integration: intergovernmental procedures and no permanent organizational support.

A second summit was organized in Bonn on 18 July 1961.<sup>37</sup> The heads of states and governments constituted a special committee under the chairmanship of Christian Fouchet. The effect of its work was the creation of a proposal for a new organization, destined for political cooperation – the Union of European Nations. Fouchet introduced his project on 2 November 1961 – known as Draft Treaty Fouchet Plan I<sup>38</sup> (the second version of the Treaty was introduced 18 January 1962<sup>39</sup>). Admittedly the Union of European Nations project was a failure, however heads of state and governments since 1965 started to meet regularly. The EEC, ECCS and Euratom treaties did not anticipate institution with such members. However, based on the political will and necessity, the integration process seemed to be progressive. In the next decade meetings became a crucial element of the ensuing form of integration, and after 1974 – according to French President Valéry Giscard d’Estaing’s proposal – became official European council summits. Finally the European Council, during almost 40 years of its existence, became one of the most important, and probably best-known European institutions.

3. Institutionalized political cooperation/Common Foreign Policy – beginning of the institutionalized phase. The integration process is supported by official documents (unanimously accepted declarations, reports,<sup>40</sup> programs, conclusions, resolutions, procedures, etc.) by treaty (Draft Fouchet Plans I & II, Single European Act, The

<sup>36</sup> M. E. Smith, *Europe’s Foreign and Security Policy...*, op. cit., p. 67. See also: *Press release issued by the Paris Summit, 10 and 11 February 1961, The heads of State or of Government and the Foreign Ministers of the Federal Republic of Germany, Belgium, France, Italy, Luxembourg and the Netherlands met in Paris on 10 and 11 February 1961*, European Parliament-Committee on Institutional Affairs, Selection of texts concerning institutional matters of the Community from 1950 to 1982, European Parliament, Luxembourg 1982.

<sup>37</sup> *Official communiqué adopted in Bonn on 18 July 1961 by the six Heads of State or Government, Assemblée parlementaire européenne – Documents de séance 1961–1962*, 18.12.1961, no 110.

<sup>38</sup> *Draft Treaty Fouchet Plan I, 2 November 1961*, European Parliament-Committee on Institutional Affairs, Selection of texts concerning institutional matters of the Community from 1950 to 1982, European Parliament, Luxembourg 1982, pp. 112–115.

<sup>39</sup> *Draft Treaty Fouchet Plan II, 18 January 1962*, European Parliament-Committee on Institutional Affairs, Selection of texts concerning institutional matters of the Community from 1950 to 1982, European Parliament, Luxembourg 1982, pp. 119–121.

<sup>40</sup> E.g.: *Report by the Foreign Ministers of the Member States on the problems of political unification, Davignon Report*, “Bulletin of the European Communities,” November 1970, no 11, Luxembourg, 27 October 1970, pp. 9–14.

Maastricht Treaty – formally, the Treaty on European Union, The Treaty of Amsterdam, etc.). The characteristic attribute of this form can be the phenomenon of intensification of traditional diplomatic relationships (including cooperation of diplomatic services in third countries), evinced in coordination of statements and positions towards geographic and horizontal international problems, supported – as mentioned above – by an institutional framework.

“The most elemental evidence of institutional change is a clearer articulation of the functional goals and behavioral norms of the institution. In the case of EU foreign policy, this involves creating a greater number of norms, clarifying those norms in more detail, changing norms from informal customs to formal rules, and bringing EC rules and permanent EC organizations into the process.”<sup>41</sup>

Another visible symptom of the institutionalized political cooperation could be the process of harmonization of the national (state) foreign policy decision-making and administration structure. Directly below the level of foreign ministers, coordination was to be achieved through regular meetings of a Political Committee composed of national Political Directors from member state foreign ministries. In the United Kingdom the role of a Political Director had to be created for the EPC; this was a small, early example of the impact of the EPC on the domestic political systems of its member states.<sup>42</sup>

Common Foreign Policy is an advanced kind of institutionalized political cooperation which is set out in the treaty instruments – specific legal bases, characterized by the endeavor to coordinate and harmonize national foreign policies. The original Treaty on European Union (TEU) established two specific legal bases for action under the CFSP: common positions and joint actions. Common positions require the member states to implement national policies that comply with the position defined by the Union on a particular issue. Joint actions are operational measures taken by the member states under the auspices of the CFSP.

Since the Treaty of Amsterdam, the TEU includes a third legal instrument for the CFSP, common strategies, which set overall policy guidelines for relations with particular countries or regions where the member states have especially important interests in common, and specify the objectives, duration, and means to be made available by the Union and member states. Once adopted, they can be implemented by common positions and joint actions adopted by a qualified majority of the Council. However, common strategies are relatively rare. In their absence, both common positions and joint actions must be adopted by unanimity.<sup>43</sup> However among the institutional structure – within the decision-making process, the state (nation-state) is still the dominant subject.

4. Political Union – conforms in its principle requirements to the terms and conditions of a state – a federal state. Leif Beck Fallesen presented a very universal definition of a state (nation-state) including the functions of its legal, ideological, and economic

<sup>41</sup> M. E. Smith, *Europe's Foreign Policy...*, op. cit., pp. 38–39.

<sup>42</sup> Ibid., p. 72.

<sup>43</sup> D. C. Thomas, *The Institutional Construction of EU Foreign Policy: CFSP and the International Criminal Court*, European Union Studies Association (EUSA), Biennial Conference, 2005 (9<sup>th</sup>), March 31–April 2, Austin, Texas 2005.

obligations. “The right to use state violence to enforce laws within borders, the ability to use violence against intruders, and the right to sign treaties with other nation-states on behalf of all nationals.”<sup>44</sup> Political union is characterized by common international (foreign) policy accomplished by supranational institutions. The delegation of competence usually concerns – specifically – the power of conducting foreign affairs and maintaining an army. Sometimes limitations can relate to the power of foreign imports and exports. Such competence transference to the federal level is the general solution accepted in constitutions of federal states in the world. In the USA – for instance – numerous powers related to war and the protection of the United States and its sovereign interests belongs to Congress.<sup>45</sup>

In specific the Constitution of the United States, adopted by The Federal Convention in Philadelphia on September 17, 1787, gives power to: “regulate Commerce with foreign Nations” and “the common Defence” to Congress – a federal legislative branch (Article I, section 8, clause 3). The similar situation in American federal structure concerns the power to: “declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water” (clause 11), “To raise and support Armies” (clause 12) and “provide and maintain a Navy” (clause 13).<sup>46</sup>

Part V, Section 51 of the Commonwealth of Australia Constitution Act, adopted in 1900 (in force since 1 January 1901), qualifies: “Trade and commerce with other countries, and among the States” (i); “The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth” (vi); “External affairs” (xxix); “The relations of the Commonwealth with the islands of the Pacific” (xxx) as a competence of the federal Parliament.<sup>47</sup>

Article 73 of the 1917 Mexican Constitution qualified as the power of Congress (*El Congreso*): declaring “war, in view of the facts that the Executive presents to it” (*declarar la guerra, en vista de los datos que le presente el Ejecutivo*) (XII), raising and sustaining “the armed institutions of the Union, namely: National Army, Navy, and Air Force, and [regulating] their organization and service” (*Para levantar y sostener a las instituciones armadas de la Unión, a saber: Ejército, Marina de Guerra y Fuerza Aérea Nacionales, y para reglamentar su organización y servicio*) (XIV), making “laws about the organization of the Mexican diplomatic and consular corps” (*Para*

<sup>44</sup> L. B. Fallesen, *The Nation-State Redefined*, [in:] R. J. Guttman (ed.), *Europe in the New Century. Visions of Emerging Superpower*, London 2001, p. 45.

<sup>45</sup> K. R. Thomas, *Federalism and the Constitution: Limits on Congressional Power*, Congressional Research Service, Report for Congress, The Library of Congress, 21 March, 2001, pp. 3–4.

<sup>46</sup> *Constitution of the United States of America, As Amended Unratified Amendments, Analytical Index*, United States Government Printing September 1987; *The Constitution of the United States: With the Declaration of Independence and the Articles of Confederation*, R. B. Bernstein (Introduction), Barnes & Noble 2004; *The Constitution of the United States of America: The Amendments, The Articles of Confederation, The Declaration of Independence*, Barnes & Noble October 2005.

<sup>47</sup> The Constitution was adopted as a schedule to the Commonwealth of Australia Constitution Act, 63 & 64 Vict Chapter 12 of the year 1900. See: *An Act to constitute the Commonwealth of Australia*, 9<sup>th</sup> July 1900, (63 & 64 Victoria – Chapter 12) (<http://www.aph.gov.au/senate/general/constitution/>); P. Parkinson, *Tradition and Change in Australian Law*, LBC Information Services, Sydney 2002; T. Blackshield, *Australian Constitutional Law and Theory*, Sydney Federation Press 2006.

*expedir las leyes de organización del Cuerpo Diplomático y del Cuerpo Consular mexicano) (XX).*<sup>48</sup>

To “analyze the world political situation” (*Analizar la política exterior desarrollada*), approve of “international treaties and diplomatic conventions that the Executive of the Union concludes” (*aprobar los tratados internacionales y convenciones diplomáticas que celebre el Ejecutivo de la Unión*), and finally ratify the nominations of “diplomatic agents, consuls general” (*agentes diplomáticos, cónsules generales*) in article 76 was specified as “The exclusive powers of the Senate.”<sup>49</sup>

Providing for functional federalism, the Basic Law for the Federal Republic of Germany (*Grundgesetz für die Bundesrepublik Deutschland*), accepted on 23 May 1949, in Article 32 – “Foreign relations” (*Auswärtige Beziehungen*) – reserves admittedly in point 1 general competence for the Federation: “Relations with foreign states shall be conducted by the Federation” (*Die Pflege der Beziehungen zu auswärtigen Staaten ist Sache des Bundes*), however in points 2 and 3 constrains this competence in favor of Länder: “Before the conclusion of a treaty affecting the special circumstances of a Land, that Land shall be consulted in timely fashion” (*Vor dem Abschlusse eines Vertrages, der die besonderen Verhältnisse eines Landes berührt, ist das Land rechtzeitig zu hören*) (2), “Insofar as the Länder have power to legislate, they may conclude treaties with foreign states with the consent of the Federal Government” (*Soweit die Länder für die Gesetzgebung zuständig sind, können sie mit Zustimmung der Bundesregierung mit auswärtigen Staaten Verträge abschließen*) (3).<sup>50</sup>

In Brazil, article 49 of the Constitution of the Federative Republic of Brazil (*Constituição da República Federativa do Brasil*) gives to the National Congress (*competência exclusiva do Congresso Nacional*) the exclusive competence to: “decide conclusively on international treaties and agreements which result in charges or commitments that go against the national property” (*resolver definitivamente sobre tratados, acordos ou atos internacionais que acarretem encargos ou compromissos gravosos ao patrimônio nacional*) (I), “authorize the President of the Republic to declare war, to make peace and to permit foreign forces to pass through the national territory or remain therein temporarily, with the exception of the cases provided by a supplementary law” (*autorizar o Presidente da República a declarar guerra, a celebrar a paz, a permitir que forças estrangeiras transitem pelo território nacional ou nele permaneçam temporariamente, ressalvados os casos previstos em lei complementar*) (II).<sup>51</sup>

<sup>48</sup> *Constitución política de los Estados Unidos Mexicanos Comentada*, Constitución publicada en el Diario Oficial de la Federación el 5 de febrero de 1917, Cámara de Diputados del H. Congreso de la Unión, Secretaría General, Secretaría de Servicios Parlamentarios, Centro de Documentación, Información y Análisis (<http://www.cddhcu.gob.mx/LeyesBiblio/pdf/1.pdf>).

<sup>49</sup> Ibid.

<sup>50</sup> *Grundgesetz für die Bundesrepublik Deutschland*, In the version promulgated on 23 May 1949, zuletzt geändert durch zwei Gesetze zur Änderung des Grundgesetzes am 26. Juli 2002, translated by the Federal Ministry of the Interior (BGBl. I S. 2862/2863); See also: H. D. Jarass, B. Pieroth, (*GG Grundgesetz für die Bundesrepublik Deutschland. Der Kommentar für Ausbildung und Praxis (Gebundene Ausgabe)*, Beck Juristischer Verlag, München Februar 2006).

<sup>51</sup> *Constituição da República Federativa do Brasil*, Texto consolidado até a Emenda Constitucional, nr 53 de 19 de dezembro de 2006, ([http://www6.senado.gov.br/con1988/CON1988\\_19.12.2006/](http://www6.senado.gov.br/con1988/CON1988_19.12.2006/)

The most interesting solution is accepted in the Constitution of India. In article 51 “Promotion of international peace and security,” obligations such as to “promote international peace and security” (a), “maintain just and honorable relations between nations” (b), “foster respect for international law and treaty obligations in the dealings of organized peoples with one another” (c) and finally “encourage settlement of international disputes by arbitration” have been vested to the State.<sup>52</sup> However the definition of ‘the State’, stipulated in article 12, explains that this term: “includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.”<sup>53</sup> It could be understood that for instance: to “maintain (...) relations between nations” is a parallel competence of “Legislature of each of the States.” However article 253 states precisely that Federal Parliament has the power of: “implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”<sup>54</sup>

The extent of the political integration of the Community is determined by the scope (how many policies?) and level (how deep?) of amalgamation between the member states.<sup>55</sup> Advocates of the federal – supranational decision framework, believe that it is an advantageous system against the intergovernmental system – which allows to speak with “one voice” on the international stage, and consequently build up an international capability of integrating states.<sup>56</sup>

The essence of the federal idea lies in the renunciation of several traditional nation-state competences on behalf of supranational ones – federal authority achieving objectives unable to be accomplished separately. One of the fundamental rules of federalists’ project is the subsidiarity principle.

There are also many examples of political cooperation, however not integration, e.g. bilateral treaties setting out the general (political, economic, cultural, social, trade) relationship between contracting parties, creating a special political dialogue structure (e.g. Partnership & Cooperation Agreements – between the EU and individual partners of the Eastern European and Central Asian countries).

Contrary to Balassa’s model these are not ‘stages’ or ‘phases’ – but rather ‘forms,’ ‘shapes’ of integration. They do not arise from themselves. The most important factors

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CON1988.htm); see also: J. Dolinger, K. S. Rosenn, *A Panorama of Brazilian Law*, University of Miami, North-South Center, Miami; Editio Esplanaida Ltda., Rio de Janeiro 1992.

<sup>52</sup> *The Constitution of India*, National Informatics Centre, Ministry of Communications and Information Technology, ([http://lawmin.nic.in/legislative/Art1-242%20\(1-88\).doc](http://lawmin.nic.in/legislative/Art1-242%20(1-88).doc)). See also: Shri P. M. Bakshi, *Commentary*, [in:] A. P. Blaustein, G. H. Flanz (eds.), *Constitutions of the Countries of the World*, vol. VIII, *India*, Release 94-7, Oceanea, New York 1994; D. D. Basu, *Shorter Constitution of India*, 11<sup>th</sup> ed., Prantice-Hall of India, New Delhi 1994; H. M. Seervai, *Constitutional Law of India*, 4<sup>th</sup> ed., N. M. Tripathi Pvt. Ltd., Bombay 1993.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> J. Delhey, *European Social Integration. From convergence of countries to transnational relations between peoples*, Wissenschaftszentrum Berlin für Sozialforschung, February 2004 (<http://skylla.wz-berlin.de/pdf/2004/i04-201.pdf>).

<sup>56</sup> See e.g.: M. O’Neill, *The Politics of European Integration*, Routledge, London–New York 1996.

in political integration are not economical requirements (indexes, rates), but the political will.

The forms differ from each other in the institutionalization level (in the case of ‘political union’ most advanced, and the weakest in the case of ‘non-institutionalized political cooperation’), and the vision of a political unification and decision-making process (‘political union’ is supranational, other forms are definitely intergovernmental). “Intergovernmental theories should be most relevant in situations where institutions do not exist, or exist only in a weak form.”<sup>57</sup>

Parallel to the forms of integration analyzed above there can be a process of creating of common defense policy – which is a kind of security system on the one side, and useful instrument (military forces under autonomous control) for securing the interests of the whole integrated community (Common Security and Defence Policy).

Formally the European Union’s Common Foreign and Security Policy is an example of the third integration form. It is an institutionalized cooperation framework, with its own institutions, instruments and treaty regulation. The CFSP is a matter of nation-states which imply an intergovernmental system. However an unambiguous classification of the CFSP or former European Political Cooperation, is unfortunately impossible. Wolfgang Wessels wrote that European Political Cooperation changed over time, to become “less than supranational but more than intergovernmental.”<sup>58</sup> Smith’s elements of EPC institutional framework like a Political Committee, European correspondents or working groups are treated as “transgovernmental support.”<sup>59</sup>

In his classification of communities Philippe C. Schmitter distinguished ‘amalgamated communities’ – formerly independent units which merge while building a common government, either unitarian or federal. A new decision center is established, which supercedes the old ones, and ‘pluralistic communities’ where – on the contrary – the units remain legally independent, and no common center is established.<sup>60</sup> The EU stands somewhere in between, carrying elements of both types. Its supranational institutions mean that it is clearly more than pluralistic; but at the same time it is not fully amalgamated, since the member states share only parts of their sovereignty, albeit a growing part.<sup>61</sup>

The Common Foreign and Security Policy institutional framework is equipped with more supranational solutions, such as linkages (already accepted in the Single European Act) between policies within the EPC and EC, or the appointment of an EU High Representative for the CFSP (the final answer to a famous question asked in 1970 by Henry Kissinger, the then national security adviser at the White House: “When I want

<sup>57</sup> M. E. Smith, *Europe's Foreign and Security Policy...*, op. cit., p. 77.

<sup>58</sup> W. Wessels, *European Political Cooperation: A New Approach to the European Foreign Policy*, [in:] D. Allen, R. Rummel, W. Wessels, *European Political Cooperation: Towards a Foreign Policy for Western Europe*, London Butterworths 1982, p. 15.

<sup>59</sup> M. E. Smith, *Europe's Foreign and Security Policy...*, op. cit., p. 75.

<sup>60</sup> P. C. Schmitter, *Imagining the Future of the Euro-Polity with the Help of New Concepts*, [in:] G. Marks, F. W. Scharpf, P. C. Schmitter, W. Streeck, *Governance in The European Union*, London, Thousand Oaks, Sage, New Delhi 1996, pp. 121–151.

<sup>61</sup> Ibid.

to speak to Europe, whose number do I call?)<sup>62</sup> and the Council special envoys with a qualified majority. However, the most advanced supranational solutions have been planned in the Treaty establishing a Constitution for Europe.

*Primo:* The Constitution<sup>63</sup> provides for the European Union to have a legal personality.<sup>64</sup> Presently the Treaty on European Union does not contain any provisions on this issue. Consequently today not the Union, but formally the European Community has the power to: conclude and negotiate agreements or conventions and to have delegations in non-member countries – which are absolutely fundamental for foreign policy leading.

*Secundo:* The appointment by a qualified majority of The European Council of a new institution: The European Council President, who is elected for two and a half years, for a maximum of two terms, and his competence is limited to external representation, chairing and driving forward work of The European Council.<sup>65</sup>

*Tertio:* The appointment by a qualified majority of The European Council, but this time with the agreement of the President, of a supranational Commission: The Union Minister for Foreign Affairs.<sup>66</sup> His basic objectives and obligations will be conducting the Union's Common Foreign and Security Policy (contributing proposals to the CFSP or CSDP development). For fulfilling this task, the Minister will take part in European Council work, preside over the Foreign Affairs Council, and finally be one of the Vice-Presidents of the Commission (to ensure the consistency of the Union's external action). This new construction proposed in the draft treaty is an idea of consolidating the competences of the present Commissioner for External Relations (Benita Ferrero-Waldner) and the High Representative for the EU's Common Foreign and Security Policy (Javier Solana) – the so-called 'double hat.' The Union Minister for Foreign Affairs merges membership in the intergovernmental Council and European Council, and the typical supranational European Commission. The minister is also responsible for implementation of European decisions adopted by the European Council and the Council, conducting political dialogue with third parties on the Union's behalf and expressing the Union's position in international organizations and at international conferences. The European Foreign Minister is to be supported by a European External Action Service made up of staff from the Commission, the Council Secretariat and the diplomatic services of the member states. The supranational solution is also the Minister's political responsibility before European Parliament.

Nevertheless domination of the intergovernmental European Council remains in effect. Notably the European Council will still "provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof."<sup>67</sup> Unfortunately the negative effects of referendums in the Netherlands and in France put implementation of the Constitution rules in doubt.

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<sup>62</sup> M. Walker, *The Future of Europe's Foreign Policy*, [in:] R. J. Guttman (ed.), *Europe in the New Century. Visions of Emerging Superpower*, London 2001, p. 73.

<sup>63</sup> Treaty establishing a Constitution for Europe, O. J. C 310, 16 December 2004.

<sup>64</sup> Article I-7.

<sup>65</sup> Article I-22.

<sup>66</sup> Article I-28.

<sup>67</sup> Article I-21.

## Conclusions

The answer to the crucial question of this essay: “How does the division of power between national and supranational level of authority influence the Union’s foreign policy effectiveness?”, is rather obvious. European effectiveness on the international stage depends on its unity, and it is a direct consequence of competence division between the Union and member states. Leo Tindemans wrote: “The European identity will not be accepted by the outside world so long as the European States appear sometimes united, sometimes disunited.”<sup>68</sup> Taking a page from the above-mentioned federal solutions widespread in the world’s political systems, supranational solutions bring the most benefits. The essential thing seems to be the decision-making process and necessity of resigning from unanimity. Again according to Tindemans: “[the] minority must rally to the views of the majority at the conclusion of a debate.”<sup>69</sup> As George Tsebelis stated: “since the CFSP operates on the principle of unanimity, many observers consider it inevitable that EU positions in foreign policy will fall somewhere between the status quo and the lowest-common denominator positions. By increasing the number of potential veto players, enlargement from fifteen to twenty-five member states (with more to come) (now twenty-seven P.E.) should only reinforce this tendency.”<sup>70</sup>

The conflict of interests problem appeared expressly during the Iraq crisis. The war in the Gulf in 2003 revealed the lack of unity in European foreign policy. The present intergovernmental system answers to Liliana Botcheva and Lisa Martin’s “aspirational institution” conception.<sup>71</sup> Such institutions “set standards for their member states and work through a long-term process of persuasion to encourage movement toward these standards. However, the goals are aspirational in that there are no enforcement mechanisms specified and that member states do not expect that failure to meet these standards will result in any punishment from other members or the institution itself.”<sup>72</sup>

In general supranational European Community external activity is more extensive than that taken in the CFSP domain. The instruments of the external economic policy are: customs tariffs, sanctions, bilateral aid, development policies, etc.

However there are several reasons for advocates persisting in intergovernmental vision. The first arguments are ideological. The terms such as ‘foreign policy’ and ‘defense policy’ are strongly connected with the concept of national sovereignty. The sharpest and clearest legal incursion into national sovereignty is the superiority of European Union law to national law.<sup>73</sup> Although in the economic sphere such superiority is acceptable – Ronen Palan writes even about a kind of “Commercialization of State

<sup>68</sup> *Report on European Union*, Bulletin of the European Communities, 1976, no Supplement 1, pp. 11–35.

<sup>69</sup> Ibid.

<sup>70</sup> G. Tsebelis, *Veto Players: How Political Institutions Work*, Princeton University Press, Princeton, NJ 2002.

<sup>71</sup> See: L. Botcheva, L. Martin, *Institutional Effects on State Behavior: Convergence and Divergence*, “International Studies Quarterly”, vol. 45, nr 1, March 2001, pp. 1–26.

<sup>72</sup> Ibid., p. 24.

<sup>73</sup> L. B. Fallesen, *The Nation-State Redefined*, op. cit., p. 45.

Sovereignty” in relation to tax havens<sup>74</sup> – transfer of competences in the foreign policy and security domain – even voluntary ones – signify loss of independence for all Eurosceptics.

Another problem concerns geography. The northern countries naturally saw the Russian problem and the prospect of EU enlargement into Central and Eastern Europe as the predominant concern. Europe’s Club Med group, whose shores were washed by the Mediterranean, equally focused their own concerns toward North Africa and the Middle East. Even as a common European foreign policy began to form, an inherent conflict of interest persisted between north and south that would require careful management.<sup>75</sup> The symptoms of this problem were observable at the European Council summit in Lisbon in June 1992.<sup>76</sup>

Jürgen Habermas’s ‘common foreign policy’ and ‘creating common military forces’ are classified as: “[the] most important challenge of the united Europe in XXI century.”<sup>77</sup> The communities (highly-institutionalized international regimes) exist because they provide positive-sum benefits.<sup>78</sup> Under a supranational decision-making process the Union’s foreign policy will definitely be more effective and coherent. Effective foreign policy provides positive-sum benefits for the whole Union. The question should be rather different: Is there the political will in Europe for the transfer of final competences in the foreign policy and security domain? Is there the political will for the creation of a modern federation within European countries? Is there the political will for the creation of a strong, cohesive supranational political union, competitive with other participants of international relations? Unfortunately this analytical issue is an interesting subject for another essay.

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<sup>74</sup> R. Palan, *Tax Havens and the Commercialization of State Sovereignty*, “International Organization,” vol. 56, nr 1, Winter 2002, pp. 151–176.

<sup>75</sup> M. Walker, *The Future of Europe’s Foreign Policy...*, op. cit., London 2001, p. 71.

<sup>76</sup> European Council in Lisbon, 26–27 June 1992, *Conclusions of the Presidency*, Reference: DOC/92/3 ([http://www.europarl.eu.int/summits/lisbon/li2\\_en.pdf](http://www.europarl.eu.int/summits/lisbon/li2_en.pdf)).

<sup>77</sup> J. Habermas, *Blätter für deutsche und internationale Politik*, 5/2007, pp. 517–520.

<sup>78</sup> L. Gruber, *Interstate Cooperation and the Hidden Face of Power: The Case of European Money*, Harris School Working Paper Series: 99.16, p. 2.

PAWEŁ LESZCZYŃSKI

## Federation or Confederation – European Integration Models Discussed

The process of European integration for its transparency and effectiveness requires a bottom-up approach towards the building and anchoring of political solutions within widespread social debates in all the European Union states. The territorial development of the Union is progressing; soon Romania and Bulgaria will enter the EU as scheduled. The problem of managing an organization consisting of 27 states having broadly defined objectives of their activities is becoming an increasingly topical issue. The debate concerning this topic should not be governed by haphazardness in action, which means initiating it only when preparing amendments to Legal and Treaty Basic Regulations of Communities, during Interstate Conferences, the Convention drafting the Charter of Fundamental Rights of the European Union, or for example, the European Convention.

‘Federation’ and ‘Confederation’ are not naturally the only target variants of European architecture. This deep conviction has been reinforced for a long time that the European Union is a new kind of group of states and the only one conceived and implemented while not being subject to easy classifications within extant federal or confederal solutions.<sup>1</sup>

Presently, in relation to the ratification difficulties regarding the EU Constitution Treaty, one may observe the subsequent influx of comments during discussions concerning the problem of how far EU integration should go and what shape of integration tendencies should be assumed. This is the *finalité politique*<sup>2</sup> discussion.

We have different levels of integration within the European Union. Economic and Monetary Union, that is the Euro-Zone, consists of 13 member states, so-called old EU members (out of 15 as of 30 April 2004). Thus far the 9 newly joined member states from 1 May 2004 are not a part of Monetary Union.<sup>3</sup>

None of them (similar to Sweden, the United Kingdom and Ireland) belongs to the Schengen area. Interestingly, Iceland, Switzerland and Norway (EFTA state members) participate in most activities within the Schengen cooperation. Thus, within the EU itself there is considerable incompatibility of degree of integration. Factors strengthening this incompatibility are the disparities in social and economic development between state members. Hence it is not, for instance, possible or appropriate to harmonize the

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<sup>1</sup> Cf. K. Szelag, *Unia Europejska – federacja czy konfederacja*, “Wspólnoty Europejskie,” no. 9 September 2001, pp. 4–11.

<sup>2</sup> P. Buras, *Dyskusja o finalité politique Unii Europejskiej. Przegląd stanowisk*, series “Raporty i Analizy” 2001, no. 8, Centre for International Relations, Warszawa 2001, p. 5.

<sup>3</sup> On 1 January 2007 Slovenia joined Economic and Monetary Union of the European Union.

tax systems of companies (CIT) postulated by France and Germany. Since it is an important tool to maintain the competitiveness of economic systems in the European Union, which is convincingly demonstrated by the example of economic growth in Slovakia during the government of M. Dzurinda (1998–2006), generated, among others, by an increased influx of foreign investment. The issue of tax system harmonization within European Union states was also raised by the former Belgian Prime Minister Jean Luc Dehaene who proposed establishing a unified rate of ‘European Tax.’ It would be paid by all EU citizens while filing a tax return to ‘the national’ tax office. This tax would fully constitute the EU’s source of income, strengthening its budget and stimulating initiatives towards activity within the global economy. The critics of this idea raised, among other things, the argument that there is a lack of direct connection between tax establishment and political representation, stressing that the European Parliament still is not the EU’s exclusive legislator, and therefore it does not have a clear responsibility towards the state members’ voters. For this reason the introduction of a direct European tax would be a mistake. The main argument was excessive fiscality. In this context a European tax is deemed to be an obligatory contribution towards ‘Brussels Bureaucracy.’ This issue is related to the cohesion of economic systems of the UE states, which has an effect on the discussion about the deepening of integration.

Discussions of the shape of the EU cannot disregard the concept of ‘the nation-state,’ which should be perceived as having not an ethnic but a political meaning. Therefore it is a direction of the interpretation coincident with French views. What the misplaced ethnic approach in understanding this category can mean, Europe observed during 1991–1995 and 1998–1999 in the territory of the former Yugoslavia. The European Union is not a historical project established separately from the complicated meanders of this continent’s history. The sensitiveness of particular societies is a factor that shapes the climate for both Euro enthusiastic and Euro skeptical attitudes. Robert Schuman proposed placing the entire French and German production of coal and steel under a common authority in order to prevent war in Europe, such as happened with the first and second World Wars. A message for peace has been the main fundament of Union cooperation.

An important factor for strengthening the democratic participation of Union societies is shaping the European awareness, with an extremely needed focus on the fact that being a European does not collide with the awareness of national identity.<sup>4</sup> Poland is a good example of this. Politicians and European bureaucracy are required to decrease the distance to EU citizens and develop various forms of communication with European voters. A different example is the Grand Duchy of Luxembourg. In accordance with European statistical research its citizens demonstrate the strongest pro-European attitudes, being in favor of deepening of integration processes, which is a stable motif of the state’s policy.

‘Federation’ is a federal state comprised of a number of territorially separate units usually having significant degree of power and autonomy over public policy matters. They are explicitly catalogued in relation to the competence of the central level (in

<sup>4</sup> J. Habermas, *Obywatelstwo a tożsamość narodowa. Rozważania nad przyszłością Europy*, Warszawa 1993, pp. 8 et. seq.

other words, the federal level) based on either positive or negative rule. In this political system, ‘the center’ deals with defense issues, foreign policy, the monetary system, and legislation concerning specific areas and the postal system. The characteristic thing is granting in some cases even far-reaching autonomy to the subjects of a federal state. There is, besides a horizontal division (on the central level), also a vertical division into three levels of government, between the center and the integral parts of federation. Nowadays there is quite a large number of this type of state. However, the success of this statehood formula is related to the political and legal culture of the given area. It requires the pursuit of compromise, balance among particular parts of federated state, an attitude of partnership both at the central and regional levels of government. The articulation of the interests of federation subjects constitutes highly institutional forms. Most frequently, they are based on bicameralism, that is a two-chamber parliament, within which the upper chamber consists of the representatives of the specific subject. This may be illustrated by The Federal Republic of Germany or Austria. Non-confrontation, compromise-oriented, permanent and cooperative dialogue between a federation subject and the central level on the one hand, and on the other hand, among federation subjects of common state, is a condition of the stability of a federative project. The best example of this, on the European continent, is Switzerland. On the contrary, any hegemonic tendencies within a federation, circumventing formal mechanisms of dialogue within a federation, a high level of mistrust, even hostility among parts of a federation ends the existence of such a state, for which the most vivid illustration in Europe was Yugoslavia.

‘Confederation’ is nowadays a unique form of bilateral relations, even more so, multilateral relations between fully sovereign states. It is not ‘a federal state’ but a ‘union of states,’ maintaining the most of the sovereign attributes of state units consisting it. Currently, the closest to this model is the union of Russia and Belarus established on 2 April 1997. Certain elements of this solution characterize the Commonwealth of Independent States. An example of a confederation state was in the Senegambia in the 1980s, a confederation between Senegal and Gambia. Historically, with relation to this formula, the purpose of common defense of the confederated states had crucial meaning, which implied organizational unification of the armed forces.<sup>5</sup> This motif still has significant meaning today, although the willingness to coordinate foreign policy, selected areas of legislation and close economic cooperation dominates as well. These processes are carried out through interstate organs of both executive and representative character.

In the not so distant past, in relation to the intentions of integration of the European continent – the federal vision of unity was based on the need for creating an organization for supranational decision-making. Further, a federal state – an economic and political union – was planned to be created. The states constituting federation were supposed to renounce sovereignty to supranational organs. There would be a powerful government responsible to a fully legislative parliament. Its deputies were expected to

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<sup>5</sup> The illustration of this is *The Articles of Confederation and Perpetual Union*, forming the legal fundament of thirteen states from the Eastern Coast, which soon after the ratification of this act, constituted a federation of United States of the North America.

articulate the interests of the European and not the national electorate. Federation would be based on a structural dialogue and complementariness, that is the complementing of local, regional and central authorities. The decision process at each level would have a democratic character.<sup>6</sup>

European federation is also perceived as a result of international negotiations during which state governments play a crucial role. From the perspective of their own particular interests the states establish supranational institutions because they decrease transaction costs, generate information necessary for fruitful cooperation and lead to the unification of mutual expectations. Federalism does not demand for fixed and essential integration since states aspire to maintain quite far-reaching independence. Integration takes place to such an extent in which the benefits from these mechanisms are compatible with the interests of nation states. It is a phenomenon not completely defined, and its results are never finally determined. The sources of it are – as the most important components – nation states.<sup>7</sup>

The leading assumption of the confederative concept was the international cooperation of independent states in which they should maintain the unlimited scope of their sovereign rights.

The foundation of the processes of European unity would be a union of states. Their cooperation within it would be based not on a supranational but on an interstate method. Charles de Gaulle's concept of a 'Europe of Homelands' was close to confederation.<sup>8</sup>

Joschka (Joseph) Fischer, the Federal Minister of Foreign Affairs in the Federal Republic of Germany between 1998 and 2005, during his speech at the Humboldt University in Berlin on 12 May 2000, presented his own vision of an integrated Europe based on the significance of a national state, having explained that he was presenting his own private view.<sup>9</sup> It had great resonance among a wide range of official and unofficial circles. Fischer attached significance to the nation state, among others by postulating a second chamber of state parliaments in which 'national' views of the legislative process would be openly articulated. Tendencies between the more economically prosperous countries of Western Europe to cooperate more closely are present and raised by different official factors. Shortly before J. Fischer's speech, Lionel Jospin, the then

<sup>6</sup> J. Ruszkowski, *Koncepcje integracji europejskiej – próba systematyki*, [in:] *Unifikacja i różnicowanie się współczesnej Europy*, B. Fijałkowska, A. Żukowski (eds.), Warszawa 2002, pp. 139–140.

<sup>7</sup> I. P. Karolewski, *Teorie integracji europejskiej na przykładzie Niemiec*, Warszawa 1999, p. 6.

<sup>8</sup> J. Ruszkowski, *Koncepcje..., op. cit.*, pp. 142–143.

<sup>9</sup> J. Fischer, *Quo vadis, Europa?*, [in:] *O przyszłości Europy. Glosy polityków*, J. Boratyński, K. Stawicka (eds.), Warszawa 2000, pp. 27–36. Cf. also: T. Fischer, *Deutscher Föderalismus vor der Herausforderung einer europäischen Verfassung*, "Aus Politik und Zeitgeschichte," 14 July 2003, B 29-30/2003, pp. 3–5; *O nowy kształt Europy*, J. Kłoczowski, S. Łukaszewicz (eds.), Lublin 2003; About Polish Federalists from the 17<sup>th</sup> to 20<sup>th</sup> Centuries – "Polski Kalendarz Europejski," no. 4–5/02, pp. 10–20. Cf. also: L. Janicki, *Federalizm i jego aktualne aspekty*, "Przegląd Zachodni" 1992, no. 1, pp. 3–23; F. Kinsky, *Federalizm – model ogólnoeuropejski*, Kraków 1999; F. Gross, *Federacje i konfederacje europejskie. Rodowód i wizje*, Warszawa 1994; K. Kik, *Wizje zjednoczonej Europy – w programach i polityce głównych nurtów politycznych Europy Zachodniej*, Warszawa 1992; D. de Rougemont, *List otwarty do Europejczyków*, Warszawa 1995; T. Kisielewski, *Federacja śródkowieuropejska*, Warszawa 1991; R. Coudenhove-Kalergi, *Naród europejski*, Toruń 2000.

French prime minister proposed that the 11 states forming the Euro zone at that time establish a European economic government.<sup>10</sup> A similar proposal was submitted on 31 May 2006 by the Belgian Prime Minister – Guy Verhofstad – in his speech before the European Parliament. He appealed for the creation of a real European political federation which, after Winston Churchill, he called the United States of Europe. It would be created precisely in the Euro zone. The states forming the Euro zone need a uniform policy; otherwise the common currency cannot be maintained. In a situation where the countries of the Euro zone are not forced to implement the same policies, lack of economic reform in one of them has dangerous implications in all the other countries – contrary to their intentions. He is in favor of abolishing, or significantly limiting, the principle of unanimity, since Europe, according to the Belgian Head of Government, needs a common economic, social, foreign and defense policy. Forming a federation is an alternative for possible chaos in decision-making. Europe faces an essential choice between federation and confederation. In its present institutional shape the EU does not have any energy to answer the problems of its citizens. Moving consistently towards federation will add new energy to it. One of the steps in forming a federation would be the approval of the Constitutional Treaty for the European Union.<sup>11</sup> In this context in many states the question arises concerning the superiority of the so understood Constitutional Treaty over the constitutions of the states forming the European Union. This issue is not only of theoretical value, as illustrated by the influence of the judgement issued by the European Court of Justice on the case of ‘Tanja Kreil versus Germany,’ which created the necessity to make amendments to Basic German Law. Subjects of debate remain, among other things, the mutual relationship between constitutional courts (Supreme Courts, as in Sweden or Denmark), on the one hand, and the European Court of Justice, on the other hand. The essential element of these reflections is the issue of sovereignty, its division, limitation in delegation of rights and potential ‘revocation’ of such deeds. This is a sphere of differences of opinion with relation to the different legal traditions of the states forming the European Union. There exists no simple unification of such differences as a single unit. It would not be justified for the shape of debate concerning the future of the integration of the European continent.

According to one expert, in order to develop European unity it is necessary to create an economic union based on labor distribution, unified security and unified value systems. The democracy deficit characterizing the present EU is, among other things, so difficult to overcome, because international solutions still dominate, which hinder the final decision-making on the problem of choosing solutions based on community. The solution, according to Wiesław Bokajło, could be subsidiary federalism. It would decrease the problem of the weak legitimization of government and the so-called ‘over-loading of government,’ which entails allocation of new public tasks mainly at the central level. According to this author, subsidiary federalism would be a many-variant, thorough and dynamic political organizational regime, involving the effective functioning of a separate and socially controlled supranational federal government remaining in a close relationship with subsidiary rule, which entails control over the principles

<sup>10</sup> I. Davidson, *Europa federalna i jej wrogowie*, “Rzeczpospolita,” 1.06.2000, p. 6.

<sup>11</sup> K. Niklewicz, *Premier Belgii: Europo, wybieraj*, “Gazeta Wyborcza,” 10.06.2006, p. 9.

of pluralistic democracy by civil societies active at different levels of federal structures. Within such a structure, formed according to the principles of freedom, solidarity and partnership, its self-government and territorial organizational levels would mutually observe their own competencies based on subsidiary rule. Within the total political sphere of federation there is only “subsidiary regulation jurisdiction and ordering authorities with regard to the included social and national (regional) parts of the structure.” The public tasks that arise would be realized only through federal government assistance insofar as the centralized, self-government realization is not possible, or would cause irretrievable loss to the whole federation. The subsidiary, on the other hand, is a guarantee of autonomy and diversity, and provides protection against domination over minorities.<sup>12</sup>

The idea of European confederation – outlined in a way by de Gaulle in the phrase ‘Europe from the Atlantic to the Urals’ – was further formed by the President of France (1981–1995), François Mitterrand, in 1989. He thought that the European Confederation would be a specific organization within which all states would have equal rights with respect to dignity and entitlements. It would provide a possibility for all democratic Europeans to be regularly consulted over different areas e.g. law, economics, technology, ecology and commerce. It would aim to establish inter-European relations based on solidarity, peace and friendship between societies and states. The permanently operating executive would organize meetings of the ministers of foreign affairs, economy and finances, while every 2 years there would be meetings of Heads of States and Governments. Confederation would allow Europeans from the East and West to meet each other, engage in dialogue and exchange information. The Central and Eastern European countries had a debate over this proposal in 1991 in Prague and it was rejected by them because they were afraid of losing their prospects of full EU membership.<sup>13</sup> From the perspective of the Central European states joining the European political system and undergoing a socio-economic transformation after the collapse of communism, Mitterrand’s concept seemed to ascribe them a surrogate status in their integration with the Western part of the continent, rather than a consistent and brave project which would eliminate the division of Europe established after the Second World War. The European Confederation was perceived of as a concept that doubled the European Council’s functions since 1949, or, in a certain sense, those of the then existing Conference on Safety and Cooperation in Europe. This idea was also criticized as reflecting an opinion about Central Europe from the perspective of Paris, seen from a position of superiority and a recipe for Europeanism only of this second center. This concept included the specific classifying feature of counting these states among the group of European states, but as second-class states. Diplomatically, in the capital cities of the Central Europe, this concept was quite clearly recognized, but only along with treating it as a stage, transitional period on the road to full, not illusory, integration. The incom-

<sup>12</sup> W. Bokajło, *Federalizm subsydiarny jako model dla Unii Europejskiej*, [in:] *Polska – Niemcy a rozszerzenie Unii Europejskiej / Polen – Deutschland und die Erweiterung der Europäischen Union*, W. Małachowski (ed.), vol. I, Warszawa 2004, pp. 53, 54, 57, 64–65.

<sup>13</sup> H. Ménudier, *Europa po Maastricht – stawka i wyzwanie*, [in:] *Polsko-francusko-niemiecka współpraca w nowej Europie – stan i perspektywy*, J. Drozda (ed.), Warszawa 1993, pp. 66–67.

pleness of this concept ignored the European aspirations of Warsaw, Prague, Budapest and Bratislava, against their historical experience, indicating in 1956, 1968 or 1980 their commitment to the European system of values. Being understood as a specific ‘waiting room’ for the Central European states, the concept of the European Confederation also faced criticism concerning its lack of solidarity with weaker states and not understanding the importance of the historical processes which had taken place in this part of Europe. The above-mentioned and other arguments were finally the decisive factors determining the temporariness of the French proposal.

Mitterrand presented the following four conditions for states opting for access to the confederation: 1) establishment of a pluralistic system, 2) carrying out of free elections, 3) creating of a ‘system of representative administration,’ 4) freedom of reception and transmission of information.<sup>14</sup> These conditions related to Central and Eastern European countries in particular.

In which areas would the European communities (those belonging to the EU) be prepared to tighten cooperation? Primarily with relation to the war against terrorism, scientific research, caring for the environment, social welfare or education – the main view should belong to the particular member state. With respect to ideas concerning more widespread expansion of Europe, the most popular are as follows: common currency, creation of a European army and appointing a European Minister of Foreign Affairs.<sup>15</sup> However, the enormous increase in the size of the Union, following the integration of 10 new state members on 1 May 2004, has not caused an accompanying increase in the meaning of European identity throughout the territory of the continent. In 17 states out of 25 the percentage of people identifying with their own nationalities increased beyond the margins of statistical error. “Perhaps citizens came to the conclusion from the last debates on budget and a system of voting that the Union is not only the family of the European nations but the group of countries competing for means, workplaces and other goods.”<sup>16</sup> The European union cannot only be perceived as a large supermarket of consumer goods. It is obvious that all the state members need to intensify efforts to increase the EU’s competitiveness as an economic organism with strong internal ties in the globalizing world economy. In this context, the significance of other collective actors of international economic relationships, has increased. The said collective actors, for instance, include NAFTA, ASEAN, MERCOSUR, or recently The Bolivarian Initiative for North America put forward by the Venezuelan president, Hugo Chavez. The economic relationship between the EU and China is a separate issue. It is essentially meaningful to deal with the issue of the modernization of the European social model as being in favor of a fairly harmonious union of effective management with a fair division of revenue and high quality of public services. This issue became one of the key clauses of that extraordinarily ambitious document, the Lisbon Strategy. The future of the European social model was, at the initiative of Prime Minister Tony Blair

<sup>14</sup> J. Mikosz, *Francja: od Europy ojczyn do federacji europejskiej*, [in:] *Wspólna Europa – mit czy rzeczywistość?*, A. Wolff-Powęska, (ed.) Poznań 1990, p. 137.

<sup>15</sup> P. Pacewicz, *Europa, ratuj nas!*, “Gazeta Wyborcza,” 6.10.2005, p. 10.

<sup>16</sup> Polska. Raport krajowy – synteza, Eurobarometr 2004.1, Hungarian Gallup Institute, July 2004, p. 27.

during the British presidency of the European Union, the subject of talks during the Hampton Court Summit in October 2005. The discussion concerning the final model of EU integration has economic implications related to questions about the future potential of the EU's influence on global processes, e.g. the management of globalization processes, also in relation to immigration policy, stopping harmful climatic changes, prevention of natural disasters, or combating terrorism.

During discussions on the EU's institutional future it is, and will remain, important to have mutual relationships between 'European constitutional law' and 'national law.' There are, for example, differences in the content of what is considered the normative character of constitution – in Germany this is *Grundnorm*, in France the nation, whereas in Great Britain it is society. In the European Constitution bill the function designating competences at different levels is the most crucial one. One cannot deny the significance of the moderating function, with respect to the changes of relations between a state (governmental structure) and an entity (a citizen). The question concerning the form of the future European Constitution is still open. Probably the most adequate term is 'social agreement' since it contains the element legitimizing the constitution. This legitimization entails approval for the setting of the rules of political, economic and integration process between those in power and those governed. It would be a consent concerning the primary rules on the basis of which the secondary rules would be set. The European constitutional process is not only a juridical task but also an 'emotionally political' one, among others, in the context of the legitimization of this act.<sup>17</sup>

For the wider circles of European communities the crucial issue is simplification of the system of creating EU legal acts. For example, the group of liberal parties in the European Parliament – ELDR (currently ALDE) – proposed the implementation of a hierarchy of legal acts which would separate from each other not only basic and auxiliary acts but also legal acts of legislative and executive character. This reform would simplify the process of decision-making and strengthen democratic control over the legislative process.<sup>18</sup> To some extent this proposal has been reflected in the Draft of the Constitutional Treaty.

In recent years opportunities for discussion concerning the future institutional shape of the European Union, were the work of the European Convention, and this led to the preparation of the Draft of the Constitutional Treaty. Its rejection by referendum in France and Holland stopped the ratification procedure in a great number of member states, renewing the debate again. An opportunity was created by the 50<sup>th</sup> Anniversary of the Signing of the Treaty of Rome – at the end of March 2007. In this context, it is worth emphasizing that there exists far-reaching concurrence between British Conservative views, presently in opposition, and the Czech ones, whose Civic Democratic Party is currently the main component of the government of the Prime Minister, Mirek Topolanek. In March 2007, they presented a unified vision for Europe within the Move-

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<sup>17</sup> The views presented by prof. M. Wyrzykowski during the seminar of the Institute of Legal Studies of Polish Academy of Sciences (PAN), entitled: Przyszła konstytucja UE i jej relacja do konstytucji narodowych on 25 June 2002 – quoted following the notes of the author of this paper.

<sup>18</sup> A. Duff, *Ku liberalnemu Laeken*, [in:] *Polska i Unia Europejska*, M. Dowgielewicz (ed.), Warszawa 2002, p. 75.

ment for European Reform created by the British Tory leader, David Cameron and the Czech Prime Minister. They support further widening of the European Union e.g. to include the Western Balkan States, and the active role of the EU in explicit action to combat global warming, as well as development aid for Third World States. They are in favor of resignation from the word ‘constitution’ in the draft of the new treaty, opposing the transformation of the EU into a state. The Czech party also signals the problem of the normative character of the Basic Rights Charter, today being a part of the draft of the Constitutional Treaty. If it became binding law, it would create, according to the Czech conservatives, new spheres of competences, which today are reserved for individual states. According to the Czechs they included labor law, health services and social welfare. The politicians of the Civic Democratic Party are in favor of the preparation of a new EU Treaty, in the same way, as took place with relation to, say, the Amsterdam Treaty, 1997, and therefore within an intergovernmental conference.<sup>19</sup>

It is difficult to expand Cassandra vision of EU development at this stage on the one hand, and extremely optimistic on the other. Integration is a process which, in order to succeed, will require a minimum of constant conditions: compromise, solidarity, subsidiary, partnership, increase in participation of communities and willingness to engage in dialogue.

According to Adam D. Rotfeld – the EU must be based on a community spirit in the future, which should reduce the shortcomings of democracy and also meet the aspirations of small and medium states to play a much bigger role than if they were not state members of the Union.<sup>20</sup>

Moreover, EU states form a type of relationship similar to a federal one, however distant from its ideal version. Certainly it is not only a loose confederation of states. This is a relationship of a new type, with changeable dynamics of internal integration processes and a still undefined target vision. This is a process dependent on numerous factors. During the period of globalization, the state of mutual relations inside the Union is well described by the term ‘interdependence.’ Hence the Polish postulate of common policy of energy safety based on the conviction of the responsibility of all EU states for the actual realization of the principle of solidarity.

The prospect of the subsequent extending of the Union starting 1 January 2007 actualizes a dilemma concerning the deepening of integration, and its benefits for the newly joined countries (e.g. Croatia, Serbia, Montenegro, Albania). It seems that it is not possible to deepen integration amongst about 30 states with diverse social and economic potential, which at the same time threatens to divide the Union into an ‘integration core’ (e.g. founding members of the European Union of Coal and Steel) and other members. This may undermine the principle of solidarity which is so essential for the great number of new members due to the transfer of funds used for their modernization.

<sup>19</sup> A. Słojewska, *Unijny manifest konserwatystów*, “Rzeczpospolita,” 7.03.2007, p. A6; J. Pawlicki, *Torysi chcą zmienić Unię, ale bez Kaczyńskich*, “Gazeta Wyborcza,” 27.02.2007, p. 11.

<sup>20</sup> K. Niklewicz, *Czesi i Brytyjczycy, hamulcami Unii Europejskiej?*, “Gazeta Wyborcza,” 2.02.2007, p. 14. Here is the interview with a Deputy to the European Parliament, representing the Czech ODS, Jan Zahradil. Comparing with the subject of British Euroskepticism among the Tories – L. Jesień, *Europa w lustrze eurosceptyczmu w londynie torysów. Brytyjska Partia Konserwatywna wobec integracji europejskiej*, Nowy Sącz 1999.

The priority is the continuance of the debate on the target shape of the institutional architecture of the Union. This debate is not to be conducted at the higher level of authority – the opinion, for instance, of the President of Czech Republic Vaclav Klaus postulating the dissolution of the EU and establishing in its place something like the OSCE (Organization for Security and Co-operation in Europe) type of Organization of European States. It is necessary to activate wide circles of Union communities during this debate because it cannot be carried out exclusively by the top-level policy-makers. Its ‘decentralization’ will serve the pluralism of the view and this may generate growth in civil participation.

ZBIGNIEW CZACHÓR

## **The Problem of Permanent Breaching of the Integration System Balance after EU Enlargement and the Constitutional Treaty. The Principles of Analysis on the Basis of European Integration Theory**

1. The reasons for the problem of developing a simple and homogenous description, and the analysis/explanation of changes and development of the European integration process:

- The level of complexity of the integration structure;
- Structural dualism (European Community and European Union);
- The differential process of the transfer of Member State competences to institutions, and therefore integration policies and other forms of co-operation;
- Multi-centrality of decision procedures and accordingly complicated process of redistribution of power in the integration system;
- Indeterminism, the problem of identification and recognition of objective regularity of the European integration process.

Studying the variability of the European integration process in different fields and time hardly allows for the formulation of universal proposals for future evolution. It is more and more difficult to construct the subject being studied, due to the identification of so many variables having an influence on the ability to locate and restore a balance which is constantly being lost. This task makes it difficult to distinguish the actors in international relations: sovereign and non-sovereign (nonstate), the blurring of boundaries between something that is intrastate and international in nature, decentralised political decision making process in the EU.

2. The perception of the international reality in the context of the functioning of the European integration system relates to a fundamental change in the research and theoretical perspective in the study of international relations. The investigation of the changes and development in the process of European Union and European integration begins an interpragmatic debate where a wide range of paradigms is used both from International Relation studies and also Political Theory without being limited to research assumptions applied so far in the Theory of International Integration or the Theory of European Integration. Eclecticism can serve as an example in this case – compilation creation, non-original, leading to a new synthesis.

European integration clearly influences the content and the range of international change. The change is not only a new category, presumption or an axiom of constructed theories but it is also a new subject being studied by experts in international relations following the process of European integration.

The analysis of the European Union's functioning cannot today amount only to a dispute over two methods and conceptions of integration: community and intergovernmental or the clash of functionalism (neofunctionalism) with intergovernmentalism. Therefore, the perception of international relations also cannot be based on the alternative between the idealistic and realistic paradigm. In both cases we face a specific pluralistic convergence of theory or even integration of methods and theories oscillating around an attempt to join two analytical planes – one interstate and the second transnational, realistic and idealistic.

The disruption connected to the adoption of the Treaty establishing a Constitution for Europe confirms that the European Union is still in its transitional period where two tendencies clash against each other. The first is strongly aimed at achieving neo-idealistic, supra- or post-national forms of society structures and governance. The second, however, is a reminder of the power and importance of the state as the main actor in international relations and is the only safeguard of the fundamental rights of individuals. From this perspective the question on the protection of the achievements of the national state in a different format, beyond its national borders, remains open.

3. The main variable to be explained and analysed is the dynamic of the transformation of the integration system with emphasis on the internal environment, the ability to manage the system (the structure of the system) and thus the ability to regain the balance of the system as a consequence of disturbances that arise. The variables amount to the behaviour of member states and the institutions of the EU as well as to the effects of the behaviour contributing to the position and the role of the system, its balance or imbalance, stability or instability, ability or inability to control its environment. Therefore, this is the case of a sequence of variables modifying and transforming the European integration system.

4. It is also essential to analyse the interaction between the system's elements which, in spite of its intensity, should lead to the maintenance of the system in a state, corresponding to homeostasis. The state is a function of mutual reinforcement and conversion in the system on condition that the process of compensation of natural disturbances (triggered by the interactions) appears in the system through feedback, which is a process of corrections inside the system. It is closely related to the ability of the European Union to develop, self-organise (regenerate) in the system and its sustainability and resistance to overloading. In this case a homeostat is that element of a system which is a comprehensive centre of political decision-making responsible for removing the deviations between the desired state and the existing state. Three basic types of balance can be distinguished and maintained in the European integration system. The first, key balance called 'grands équilibres' takes place between politicians and the forms of co-operation of the Union and Communities. The second can be found between the area of integration and European Union procedures and institutions. The third takes place between the community actions, which constitute the backbone of European integration, and intergovernmental co-operation in the first and second pillar of the Union.

5. A constant process of fragmentation of politics takes place in the European Union system. The accelerator of the process is a complex negotiation system of the many

parties subject to integration which interact on a transnational level (intergovernmental and supranational). The process of fragmentation also appears as a result of the preservation of the pluralism of the integration methods and the multiplicity of differently managed policies and forms of co-operation of the Communities and the European Union. Fragmentation is also attended by any regulation on the flexibility of integration, and thus enhanced co-operation, irrespective of whether they have been used in practice or not.

Taking the above-mentioned premises into consideration it can be assumed that state transposition based on the concept of a ‘dual field’ takes place as a result of the European integration process. The concept is based on an assumption that a state which becomes a European Union member operates simultaneously in two fields. The first field does not concern interactions called ‘external’ and occurring between a state and the European Union, in its mutual relations and the relations between the EU and the external world. The second, however, relates to the ‘internal’ interactions between member states represented in the European Union institutions and between states and the EU institutions. Also in this case the position of the state does not change. In both fields interactions having the features of transnational interactions take place all the time.

6. In the theoretical considerations on European integration the following theoretical references should be taken into account:

- The theory of exogenic statehood – originating from outside and the theory of endogenic statehood – originating from inside;
- The theory of ambivalence – the theory of oscillation between two opposing sides (internal and external statehood) which are apparently mutually exclusive but in reality are mutually determining;
- The theory of apparent antinomy (contradiction) between the internal and external field
- The theory of decentralisation – excessive concentration on one aspect of reality causing its subjective exaggeration. This leads to a deformation in the thinking, perception and evaluation of European integration;
- The fixation theory – the fixation of one type of behaviour making change extremely difficult although this behaviour is not appropriate any more in new situations.

7. Inspired by the analysis conducted by L. N. Lindberg and also taking the aforementioned assumptions into account, it should be considered that the integration system is burdened with a permanent risk of crisis. The European Union system is continuously thrown out of balance as a result of internal changes (internal stimulus). There are both functional elements serving undisturbed development and dysfunctional ones which disturb it. In this case not every change in the integration system will lead to its development. It can take the shape of irrelevant, reversible change which hampers or restrains the development. Balance in the European Union system has therefore a short-term, non-static and dynamic character. This state can be called homeoresis.

The repeating sequences of change and balance interaction in the system compose a three-stage cycle. The first is based on the desire to obtain new balance after the prior ejection of it from the system. This happens through any available mechanisms of

change and adaptation based on the motives of the integration participants (composing the decision centre) leading to bigger or smaller changes. At this stage the aim of the system is to be able to restore the balance and to soothe the tensions and conflicts quickly, efficiently and effectively. The second stage is a short-term state where a new and unstable balance is gained. The third, however, is throwing the system out of balance through the influence of previously operating or new variables. This stage, being the last one, is a basis for the initiation of a new cycle. The successive sequences relate to both the whole system and particular, connected elements.

Such dialectics of harmony and discrepancy appearing in the development of the European integration process leads to a conclusion that the permanent character of changes needs to be sustained in the European Union system. Following S. D. Easton a change – expressed as a constant threat to the failure of the integration process (the risk of crisis) – breaks the anticipated output failure and therefore guarantees maintenance of the system. The ability to change, to neutralise the risk of system stratification and thus the ability to restore the permanently lost balance ensures the development of the system and therefore its survival. The constant regaining of lost balance creates a European Union system of interdependence, creating the need for adaptation to stimuli and the need for constant learning how to oppose or use the reinforced impulses from the system. It is closely connected to the increased effort of states and common institutions and thus to the need for internal structural conversion. The European Union system is subjected to a process which activates political adaptation processes both in its internal and external environment. The adaptation strategy takes a creative and anticipatory form. It allows the European integration participants to prevent crisis by anticipating the negative effects of the current regime and political actions. Nevertheless, the approaching sequences of the integration process are more complex than the proceeding ones, and therefore more difficult to regulate. It is necessary for the system to regain balance, and they disturb the functional foundations of the Union which can threaten its existence.

Therefore, it can be concluded that a process/state of fulguration is involved in the European integration process – i.e. creative, positive crisis disturbing the European integration process. Fulguration is determined by a period of accelerated action after the rejection of obsolete methods and habits, in which new ways, perspectives, principles and solutions appear.

MAGDALENA MUSIAŁ-KARG

## **Direct Democratic Government in the European Union**

Despite the growing importance of direct democracy, empirical research on how popular lawmaking influences the policies of European Union countries is scarce. The purpose of this paper is to provide an analysis of the referendums that have taken place in the European Union – on national issues as well as on various problems connected with European policies. In this paper, my aim is also to analyze to what extent direct democracy helps to resolve the democratic deficit at European Union level. The first part of this paper will give a short overview of definitions (direct democracy and referendum), and consider the main arguments for direct democracy in the light of the general principles of democracy. In the second part, the most important information will be provided on the use of direct democratic devices in EU states. The third part will present some general considerations about direct democracy as a political process, and outline some major criteria for the rules of procedures of direct democracy in diminishing the deficit of democracy in the EU.

### **Direct Democracy and Referendum**

What do we call a *democracy*? The dictionary definition states that *democracy* “is a government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system.” Probably the most popular definition of *democracy* is the phrase of Abraham Lincoln, who said that *democracy* is a government “of the people, by the people, and for the people.”<sup>1</sup>

Democracy is divided into two basic categories: representative (indirect) and direct. The first type is a form of government where citizens’ interests are represented by elected officials in free and fair elections. The representatives act in the interest of their electors. In a direct democracy all citizens, without the intermediation of elected or appointed officials, can participate in the process of making public decisions. In other words, direct democracy is a set of procedures giving to all citizens the right to make decisions binding the state. This type of government is considered to be the purest form of democracy because of the way in which the nation makes decisions on its functioning. Direct democracy as an institution concedes to all citizens the right to decisive voting on political issues and therefore comes as close as possible to the principle of political equality.<sup>2</sup>

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<sup>1</sup> <http://usinfo.state.gov>, 11.05.2007.

<sup>2</sup> Th. Schiller, *Direct Democracy in Modern Democratic Evolution*, paper presented during the International Symposium on Initiatives, Referendums, and Direct Democracy held by The Taiwan Foundation for Democracy (TFD) on October 12, 2003, <http://www.tfd.org.tw/english/subject.php?id=en0602>, 3.06.2007.

Direct democracy has been an important feature in the development of modern democracies over the last 200 years. Switzerland is certainly the world leader in the use of direct democracy devices. The institutions of referendum and initiative have strongly shaped the Swiss political system and the history of this small federal state in general. Though direct democracy has a global presence and is usually portrayed as having its roots and flourishing in Switzerland (national, cantonal, local level) its voting forms are practiced extensively in other European countries. West European countries – like Liechtenstein, Ireland, France, Italy, Denmark – use the direct democracy rules, and organize referendums and popular initiatives to a greater extent. But also in the Central and Eastern part of Europe direct democratic forms have been widely employed – particularly after the fall of the Berlin Wall. Furthermore, between 1972 and 2006 – 47 national referendums were held on a wide range of issues related to the functioning of the European Union.

While describing direct democracy it is necessary to mark that this form of ruling shifts the final rights in determining issues to the eligible citizens. However, it does not substitute for parliament, government, the courts and all the other institutions known in representative democracies.<sup>3</sup> Direct democracy does not exist in isolation from representative democracy. In contemporary states the system of indirect democracy is the rule. The tendency to supplement representative democracy by direct democratic elements has become very popular in recent years. Thus, the statement that direct democracy has the potential to enrich representative rule seems reasonable. However, we have to bear in mind that direct instruments do not replace or supersede representative elements. Direct democratic devices supplement representative democracy. The only problem with their use is based on the optimum combination of these institutions. The existence of both democratic forms side by side allows one to assert that the political systems of democratic states are founded on a formula of semi-direct democracy. Such a form is based on the coexistence of representative organs with direct democratic methods of giving voice and making decisions by entitled citizens.<sup>4</sup>

According to Bruno S. Frey and Alois Stutzer, historically speaking three main stages of democracy can be distinguished. "Classical democracy, first developed in Athens and other Greek city states. Participation rights were restricted to male citizens, thereby excluding a large number of the population, and extended only over a small area of a town. (...) The French Revolution extended democracy over a large area. The principle of representation made it possible to introduce indirect political participation in the nation state. Direct democracy combines these two earlier types of democracy by giving every citizen the right to decide on certain issues. The extreme (classical) form of having citizens decide on each and every issue is practiced nowhere today, but the number of issues on which citizens may vote varies widely between countries."<sup>5</sup>

Direct democracy instruments are playing an increasingly important role across the globe in involving citizens in the political process. Referendums, and other tools, such

<sup>3</sup> B. S. Frey, A. Stutzer, *The Role of Direct Democracy and Federalism in Local Power*, Academia Europea de Ciencias y Artes, España, 2004, pp. 21–23.

<sup>4</sup> A. Jamróz, *Demokracja współczesna. Wprowadzenie*, Białystok 1993, pp. 35–36.

<sup>5</sup> B. S. Frey, A. Stutzer, *The Role of Direct Democracy...*, pp. 22–23.

as recall or initiative, are instruments of direct democracy, which allow voters to decide issues themselves. The term *referendum* comes from Cicero and is understood as a way of direct decision by persons entitled to voting on important matters of a country or a territory. According to Eugeniusz Zieliński a referendum is a low-governmental institution whose concept is that the citizens vested with political rights are entitled to express their opinions in voting on the constitution, bills and other most important problems of political life.<sup>6</sup> Referendum as a direct democratic tool may be characterized by three features: direct participation of citizens in expressing their own opinions, every person with the voting right has only one vote and the will of the majority is the foundation of decisions in the process of passing laws.

The phenomenon of the referendum is an important part of the political processes in many European countries. Many authors point out that in democratic states the referendum and other direct instruments should not be rejected since they are crucial devices of citizens' government. Defenders of individual freedom and limited government have often favored representative government over direct democracy. In accordance with the opinions of many scholars and politicians, direct democracy and referendums have both positive and negative aspects. Supporters of the direct form of democracy attach great importance to the personal and active participation of citizens in decision-making processes. Referendums and direct democracy may contribute to a greater integration of the society and even to a stabilization of the political system by increasing popular control, and giving a veto function to the public. Others point out the fact that direct democracy increases the legitimacy of political processes and decisions. The most controversial and difficult issues are submitted to the people who, by means of referendum, take part in the decision-making. This indicates that representative democracy instruments may be less capable of dealing with difficult political problems and that referendums may be considered a stronger source of political legitimacy on controversial issues.<sup>7</sup> According to some scholars the most important advantage of direct democracy is that it safeguards the common needs and primary interests of all the citizens, as protected by its constitution.<sup>8</sup>

On the other hand, some weaknesses of direct democratic governance are also emphasized. One of the shortcomings is the fact that direct democracy reduces all decisions to a simple 'Yes' or 'No' answer. A lot of very complicated issues cannot be decided by means of such a process. In many cases decisions should be taken by professionals and experts, not by uninformed citizens. Thus, the question whether voters possess the skills required to make wise choices and decisions on important issues seems to be crucial here. High costs connected with the process of organizing a referendum and carrying out referendum campaigns may be considered a further disadvantage of using direct democratic devices. In general, the following arguments are raised against direct democracy and the use of referendums: citizens fail to understand the complex issues,

<sup>6</sup> D. Waniek, M. T. Staszewski (eds.), *Referendum w Polsce współczesnej*, Warszawa 1995, p. 9.

<sup>7</sup> R. J. Dalton, W. Bürklin, A. Drummond, *Public opinion and direct democracy*, "Journal of Democracy" 2001, vol. 12, no. 4, p. 149.

<sup>8</sup> G. S. Sagi, *Studies Leading to Direct Democracy. A Brief Outline of a Theory of Direct Democracy and References to Other Democratic Theories*, Community Church College 2000, pp. 26–27.

citizens have little interest in participating, citizens are easy to manipulate, citizens are prone to decide emotionally, there are too many referenda confusing the voters, political leadership is impossible, referendums are inadequate for major issues, referendums hinder progress, referendums destroy civil rights, and finally referendums are expensive.<sup>9</sup> On the other hand, enthusiasts of direct democracy put forward arguments referring to the future. They emphasize that direct democracy may overcome the deficiencies of representative democracy because the indirect form of government has failed to meet social expectations. Supporters of referendums believe that direct democracy is more democratic than representative democracy. The criticism of the functioning of representative democracy does not exclude the adoption of some of its solutions in the models of direct democracy. A properly functioning representative democracy and direct democracy can complement each other.

### **EU-related Referendums in Europe**

Direct democracy is on the rise in Europe. Over the period 1900 to 2005, no less than 277 popular referendums on the national level were recorded in European countries (excluding Switzerland), where citizens vested with voting rights had the opportunity to answer 399 referendum questions. In Western Europe, in 193 referendums 272 matters were decided, whereas in Central and Eastern Europe eligible citizens answered 127 questions. Up to 2006, issues of European integration led to no less than 47 national referendums. The increase of interest in the institution of the referendum results mainly from the nature of the political changes which have taken place in Europe (particularly visible in Central and Eastern Europe after 1990). In Europe the first revival in the use of referendums could be observed after World War II. Additionally, the transformational processes which took place in the former socialist states after 1990, caused a new wave of interest in referendums. Recent years also showed that European integration triggered an increase in the use of referendums. Between 1972 and 2005, 174 referendums were carried out in the European states and 47 of them were directly related to the European Union and integration processes. The European Union's members, and other states which in some ways are connected with the EU, used referendums many times in the process of creating European structures. In 35 popular votes the electorates approved the proposals, but in 12 of them those entitled to vote expressed their objection to the subject of the vote. The general will was crucial and played a decisive role in the process of European integration. So-called 'European referendums' show that a huge range of miscellaneous issues can be decided by means of a popular vote. Furthermore, they prove that certain European countries have relatively often employed this type of procedure to cope with integration problems.

The first referendum – initializing direct democratic government in the European integration process – was held in France in 1972, when the problem of permission for the further enlargement of the European Economic Community was submitted to

<sup>9</sup> B. S. Frey, *Direct Democracy for Transition Countries*, Working Paper 2003, no. 165, Zurich, pp. 15–19.

a vote. Also in 1972, Ireland, Norway and Denmark organized a popular vote, but in those countries joining the EEC was the referendum subject. Referendums in France, Ireland and Denmark finished with positive results, while in Norway the people decided not to join the EEC. In 1975 the British referendum on EEC membership ended with a positive result which determined that Great Britain continued to stay in the Community. In 1982 after the ‘No’ answer of its citizens, Greenland – as the first European country to do so – left the EEC. Following referendums on European integration were organized in Denmark in 1986, Ireland in 1987 and Italy in 1989. Danish and Irish voters deciding on the Single European Act approved the Treaty. The Italian referendum on establishing a mandate for a newly-elected European Parliament ended with a positive result as well. In 1992 the electorates of three countries: Denmark, France and Ireland expressed their opinions on the Maastricht Treaty. While French and Irish voters accepted the Treaty, in Denmark the citizens did not approve it. Switzerland and Liechtenstein voted on issues related to the European integration process – namely on joining the European Economic Area in 1992. The result of the Swiss referendum was negative with 49.7% ‘No’ votes. The referendum in Liechtenstein finished with the approval of the proposition of joining the EEA. In 1993 – the second Danish referendum on Maastricht Treaty finished with 56.77% votes for the Treaty. In 1994 Austria, Finland, Sweden, the Åland Islands and Norway voted on accession to the European Union. One year later – in 1995 – a popular vote on the same issue was held in Liechtenstein. Only Norwegian citizens voted ‘No’ in those cases. The rest approved their country’s accession to the EU. In 1998 the citizens of Ireland and Denmark said ‘Yes’ to the ratification of the Amsterdam Treaty. In 2000 the Danish electorate did not accept the proposal to join the Customs Union and introduction of the Euro, and as a result the common currency was not introduced in that state. Great Britain and Sweden chose to stay outside the common European currency area too. After the 1992 referendum Switzerland voted on EU-related issues also in 1997, 2000 and 2001. Two of those referendums on EU candidature membership (1997 and 2001) were rejected. In 2000 the electorate in Switzerland allowed the federal government to sign bilateral treaties with the EU. In 2000 and 2001 referendums on ratification of the Nice Treaty were held in Ireland. The first one ended with a ‘No’ and in the second referendum, held in 2001, most of those voting approved the Treaty giving the opportunity for the biggest enlargement of the EU. Special attention should be paid to the referendums that took place in 2003. Citizens in nine candidate states decided whether to join the EU (only in Cyprus did Parliament decide on the issue in question). All of those EU accession referendums finished with positive results. In 2003 two more votes took place. In Sweden it concerned the introduction of the Euro, and in Romania – constitutional amendment for EU accession. Only in the second referendum did the electorate decide to the affirmative.

On 20 February 2005 the Spanish electorate voted for the Treaty establishing a ‘Constitution for Europe.’ In a consultative referendum 77% voted ‘Yes,’ however the turnout was only 42%. Three months after Spanish vote, France and the Netherlands rejected the ‘Constitution for Europe’ in practice blocking the further process of ratification of the so-called European constitution. On 10 July 2005 voters in Luxembourg approved the constitution by 56% in a referendum that was held despite agreement on a ‘pause for reflection’ reached at the EU summit a month earlier, and the postponement

of votes in other countries.<sup>10</sup> The referendum in Luxembourg was the last popular vote on the European integration process so far.

All referendums on the European integration process provide evidence that European states use direct democratic devices very actively in order to make decisions on major national and European issues.

Table 1  
Referendums on the European Integration

	Subject	Number of referendums	Average turnout	'Yes' answers in average	Result	
					Approved	Rejected
EU country	Membership	17	66.67	67.06	17	0
	EU Treaties	10	63.16	57.84	8	2
	Constitution for Europe	4	66.15	54.06	2	2
	Other	3	85.17	58.91	1	2
EU countries: total		34	70.29	59.47	28	6
Non-EU country	Membership	7	77.16	50,57	3	4
	Other	6	54.61	52,74	4	2
Non-EU countries: total		13	65.89	51.66	7	6
ALL COUNTRIES		47	68.09	55.57	35	12
<b>Average time distance between referendums: ca. 8–9 months</b>						

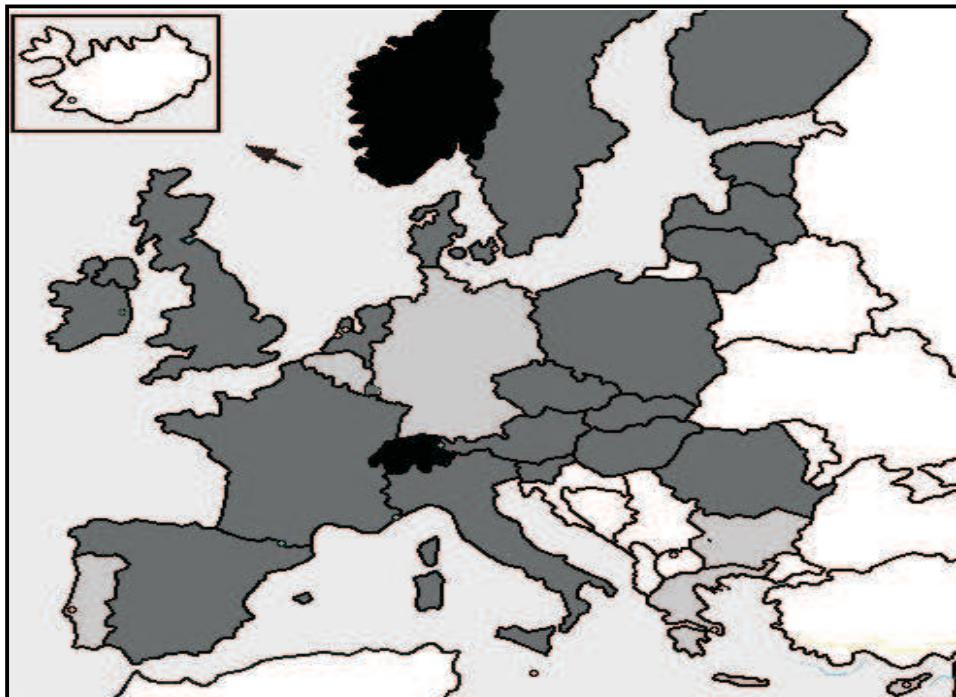
Source: Magdalena Musiał-Karg.

Based on what has been written in the previous part of the article, three different categories of referendums can be distinguished. The first is a group of votes concerning the issue of membership in the Community. A large group of countries has held referendums while deciding on whether to join (or to stay in) the community (24 votes – EC (6), EFTA (1), EEA (3), EU (5+9)). A second group of referendums consists of popular votes that have taken place when new treaties were to be ratified (12 votes – Maastricht (4), Amsterdam (2), Nice (2), ‘Constitution for Europe’ (4)). The third and last category of referendums has focused on matters to some extent connected with the European Union (9 votes – Common Market SEA (2), Mandate for MEPs (1), EU candidature (Switzerland – 2), bilateral treaties (1), EMU (2), Constitution amendment (1)).

What seems most significant is that governments respect the will of their citizens. In practice the voting majority takes a final decision on the functioning of European society as well as on the membership of a supranational organism. This is the case because the governments want the legitimacy from the nation to substantiate the course of action they take. This is one of the reasons for respecting the people’s will.

As presented on Graph 1 most of the European countries, including countries which are not European Union members have carried out referendums related to the integration processes of the European continent. As noted above, 6 out of 27 current EU member states have not held a referendum on any so-called ‘European issue.’ These are

<sup>10</sup> BBC News, <http://news.bbc.co.uk/1/hi/world/europe/3954327.stm>, 13.06.2007.

**Graph 1. Map of the use of referendum in Europe****Legend:**

- |   |  |
|---|--|
| <span style="background-color: #c0c0c0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> | EU-countries without 'European' referendum     |
| <span style="background-color: #666666; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> | EU-countries with 'European' referendum        |
| <span style="background-color: black; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>   | Non-EU countries with 'European' referendum    |
| <span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>   | Non-EU countries without 'European' referendum |

Source: Magdalena Musiał-Karg.

Belgium, Germany, Portugal, Greece, Cyprus and Bulgaria. Switzerland, Liechtenstein and Norway – 3 countries which have never joined the Union – have organized popular votes on their candidature, accession to the EU or to bilateral treaties with the Union. Furthermore, the case of Greenland, which joined the Community in 1972 along with Denmark and after a referendum in 1982 resigned its membership and left the EU, has to be mentioned here.

Summing up this section, it needs to be emphasized that European states use direct democratic tools to solve a wide range of national and international problems. In spite of the fact that direct democratic institutions have not been established at supranational level (that is at the EU level), European states seem to have realized the advantages of such a form of government and they quite often submit 'European problems' to the electorate. Consequently, the vast majority of member-states of the Community decides on EU-related issues at national level.

## Direct Democracy, Democratic Deficit and the European Union

As is well known, the processes of globalization, integration and Europeanization, both worldwide and on ‘the old continent,’ have resulted in a growing number of international and supranational organizations such as the United Nations, the North Atlantic Treaty Organization and, of course, the European Union. The European Union is surely the most important organization in this part of the globe. Many politicians and analysts argue that the increasing importance of the EU has weakened the position and even the maneuverability of the nation-state. The growing influence of the European Union has also changed the conditions for democracy which used to be closely tied to the nation state. That gave rise to the criticism concerning the fact that the decision-making processes in the European Union are not subject to the people’s control. Anne Elizabeth Site concludes that there is a “need for *democratic* institutions”<sup>11</sup> at the international, that is European, level.

While analyzing the issue of democracy in the European Union, such topics as the legitimacy of the decisions made, the democratic deficit, and ways of overcoming the lack of democracy in the Union have to be discussed. Furthermore, it is important that the questions of the value of referendums and direct democracy for the increase of legitimacy in the EU and in the process of diminishing the deficit of democracy in the EU be answered. Richard Bellamy and Dario Castiglione, who explore democratic governance and the legitimacy crisis in European states, have expressed the view that “the issue of the legitimacy of political regimes is not whether there is enough (or a maximum) of democracy, but whether there is an adequate (or an optimum) amount.”<sup>12</sup> The same is true with regard to the European Union’s governance.

As far as the problem of democratic deficit is concerned, it has to be noticed that currently the European Union faces additional difficulty consisting in determining who is ‘subject’ to legitimate far-reaching political decisions, for example, the European constitution. There are several possible answers to that question: “a European Demos of European citizens, the citizens of the member states voting nationally, the governments of the member states, or even, in a more cosmopolitan perspective, the values underlying the European constitution.”<sup>13</sup> Of course, the largest problem is of political identity, but citizens of the member states voting at national level seem to be the most appropriate source for legitimating EU-related decisions. Generally speaking, people demand more democracy in the EU, as well as an uncomplicated and more transparent system of decision-making.<sup>14</sup>

<sup>11</sup> A. E. Site, *Towards a post-national conception of democracy in the EU? National identity and constitutional patriotism*, p. 1, <http://www.arena.uio.no/events/papers/Stie.pdf>, 12.04.2007.

<sup>12</sup> R. Bellamy, D. Castiglione, *The Uses of Democracy: Reflections on the European Democratic Deficit*, [in:] *Democracy in the European Union. Integrational Through Deliberation*, E. Eriksen, J. Fossum (eds.), London, pp. 65–84; N. MacCormick, *Democracy, Subsidiarity, and Citizenship in the ‘European Commonwealth’*, “Law and Philosophy” 1997, vol. 16, pp. 331–56; Ph. Van Parijs, *Should the European Union become more democratic?*, [in:] *Democracy and the European Union*, A. Føllesdal, P. Koslowski (eds.), 1998, pp. 287–301.

<sup>13</sup> R. Bellamy, D. Castiglione, *The Uses of Democracy...*, op. cit., pp. 74–78.

<sup>14</sup> Initiative and Referendum Institute – Europe, [www.iri-europe.org](http://www.iri-europe.org); see: H. Hautala, B. Kaufmann, D. Wallis, *IRI Europe Report on the growing importance of Initiatives and Referendums in the European integration process*, 7.04.2007.

Considering government in the European Union there is a need to refer to question of the European democratic deficit, which is an essential theme of many academic works. The democratic deficit is often defined as the gap between the powers of the European institutions and the ability of European citizens to influence the work and the course of action of those institutions. In other words, the democratic deficit is understood as a situation where people who are the subject of law are not adequately represented at the political level or have no possibility to participate in the law-making and governing processes.<sup>15</sup>

As Europeans do not have many instruments by means of which they could influence the EU decision-making process,<sup>16</sup> the European public often feels ignored when certain decisions are made. In order to decrease that deficit, citizens need to feel more attached to the European Union and its institutions. Hence, what steps should be undertaken to make sure that decisions are taken as close to the citizen as possible? In order to augment the level of satisfaction with democracy and to decrease the democratic deficit, a feeling of commitment to the EU has to be developed. When people have more direct impact on the European decisions, the feeling of democratic deficit will decline. Luis Mierlo asks the question of how to make people feel they have more influence on the political life in the Community? One option is to endow the European Parliament with more power. The second alternative is to give more power to the people,<sup>17</sup> by means of referendums, for example. That direct democratic form may serve as an instrument for diminishing the distance between the citizen and the European Union. Direct democracy by a popular vote “gives the insurance that everyone has a voice and that every voice counts. Even for those who reject further EU-integration [or so called ‘European constitution’ – M. M.-K.], this at least ensures that there is not a sense of powerlessness.”<sup>18</sup>

Based on the *IRI Europe Report on the growing importance of Initiatives and Referendums in the European integration process* the following arguments for the use of direct democratic instruments can be adduced. First of all, referendum as a way of participating in European politics is a very popular and valid concept for Europeans. The undeniable proof of this is the turnout which has remained steady over the last three decades, while the turnout for elections to the European Parliament has evidently decreased. Secondly, one of the most valuable features of direct democracy is that referendums contribute to higher support for the European integration process. Furthermore, the European policies in countries where popular votes are held are much more harmonized with the people’s will. Finally, regarding the fact that in 2003 more than 10 referendums on European issues were held, it can be said that a kind of trend towards

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<sup>15</sup> P. Perczynski, M. Vink, *Citizenship and democracy – a comparative study of two cases from European history*, Paper presented at the workshop “Citizenship in a historical perspective”, ECPR Joint Sessions of Workshops, Copenhagen 14–19 April 2000, p. 2.

<sup>16</sup> J. Mc Cormick, *Understanding the European Union. A Concise Introduction*, New York 2002, p. 146.

<sup>17</sup> L. Mierlo, *To What Extend Is the Referendum...*, op. cit., p. 5.

<sup>18</sup> IRI-Europe, [www.iri-europe.org](http://www.iri-europe.org); see: H. Hautala, B. Kaufmann, D. Wallis, *IRI Europe Report...*, op. cit.

European referendums has been set up and it is almost unthinkable to have EU accessions without a referendum.<sup>19</sup>

With regard to integration at the European level, Andreas Gross listed the following arguments for using the instruments of direct democracy to decide on the issue. Referendums may establish a new relationship between politicians and citizens. That necessarily includes a higher level of awareness and perception, as well as to an improved dialogue between these two groups. From the social point of view, the most important feature of such processes is that referendum and direct democracy support the role of the European citizens in European politics. Citizens may be more competent on a specific issue and they may become highly motivated to get more information and to express their opinion during a popular vote. Furthermore, according to Gross, referendums strengthen the whole process of integration. Not only do they integrate the citizens of a country, they also integrate the nations of different states at the European level.<sup>20</sup>

Concluding this part of the deliberations, one may refer to a postulate of Paweł Śpiewak – a famous Polish scientist and politician – who said that there is a need for well-educated and competent citizens who will be able to understand and decide on more complicated problems.<sup>21</sup> Public debate or referendum campaigns contribute to more responsible and wise decisions. Simon Hug, M. Benz and Alois Stutzer, having analyzed referendums in Europe, formulated two significant statements: first of all, governments of countries where referendums on European issues were held are in a better position to determine the agenda of treaty negotiations as compared with countries which have never had referendums on Europe, secondly, citizens are politically better informed when they have more extended political participation rights.<sup>22</sup>

Undoubtedly, real democracy cannot exist without the engagement of the citizens in public life, and furthermore – citizenship must be acknowledged as the core principle of democracy. Democracy is only possible through the endorsement by citizens through their votes and active participation. Without public engagement in the process, democracy lacks both its legitimacy and its guiding force.<sup>23</sup>

## Conclusions

Deliberations on direct democratic government and review of referendum experiences of the European states makes possible the assertion that direct forms of ruling are essential in decision-making connected with integration processes. Surely, undisputed evidence of this is the number of referendums organized since 1972, as well as very

<sup>19</sup> Ibid.

<sup>20</sup> *Ten referendums on Europe in Europe. IRI Europe Referendum Monitoring Report, October 2003*, Working Paper Tartu, September 26, 2003, IRI Europe, p. 4.

<sup>21</sup> P. Śpiewak, *Obietnice demokracji*, Kraków 2004.

<sup>22</sup> S. Hug, *Voices of Europe: Citizens, Referendums and European Integration*, Lahnham 2002; M. Benz, A. Stutzer, *Are Voters Better Informed When They Have a Larger Say in Politics?*, "Journal of Public Choice", December 2002.

<sup>23</sup> R. J. Dalton, *Citizen attitudes and political behavior*, "Comparative Political Studies", no. 33, 8–9.2002, p. 921.

high average referendum turnouts. The fact that most EU candidate states voted on their accession by means of referendum confirms special value of direct democracy for the integration process in Europe. Recent years give us evidence of the great importance of referendums held on treaty ratification. In 2005 4 national votes on the *Treaty establishing a 'Constitution for Europe'* have been held. The special value of those referendums is connected with only one negative result, which was a direct reason for the blocking of the whole ratification process. Only one negative answer of only one electorate brought about – as was commonly said – the biggest crisis of the European Union. This is why ratification – more precisely – the means of future ratification of the constitutional treaty raises some doubts and questions. It seems that there are 4 possible scenarios of this process. The first is based on the procedures that were planned in the beginning; each EU member state accepts that document on its own: in a parliamentary, legislative way or by referendum.

It is fraught with a danger that a similar situation as in 2005 might occur and the ratification process might be blocked by only one country where the people will say 'No' to further integration. The second scenario is founded on parliamentary decisions in all EU countries. Undoubtedly, that way of decision making might guarantee the greatest chance of approval of the treaty. Another solution could be to carry out national referendums in all 27 states. Given that Germany has practically no form of direct democratic decision-making at the national level, this option seems to be impossible. Additionally, there would have to be a decision whether all referendums were held on the same day or not. The last scenario is related to the idea of a pan-European referendum – not in every country, but at European Union level. It needs to be stressed that the trend towards a European referendum and consequently towards the strengthening of direct political participation at the European level has received massive support from the most varied sources.<sup>24</sup>

But as a matter of fact, even if one European referendum could influence the legitimacy of the EU constitution, there are no legal grounds for such an undertaking at the European level. The introduction of such provisions would require unanimous ratification in all member countries. Besides the question of the time necessary for such ratification, it would also be difficult to implement legal regulations in some of the EU states,<sup>25</sup> and the procedural requirements of such a 'European' vote would be an additional problem. Then a decision on turnout thresholds would be indispensable, as well as decisions on majorities of 'Yes' and 'No' answers. Secondly, the fact that all countries have a different number of voters should be also taken into account. Probably these are only the hottest problems of establishing the institution of a pan-European referendum.

Thus, it has to be averred that a pan-European referendum on ratification of the EU constitution does not seem a possible option. It would be contradictory to the existing political tradition of some EU members and would meet crucial obstacles of a legal nature. Even if we give up the key argument of the lack of a European demos or European

<sup>24</sup> For example, B. Kaufmann and M. D. Waters from IRI-Europe.

<sup>25</sup> M. Mokre, J. Pollak, S. Puntscher Riekmann, P. Slominski, *Narody Europy a Europejski Traktat Konstytucji*, Austriacka Akademia Nauk, Convue-30, pp. 7–8.

public opinion, practical political considerations will be contrary to that idea.<sup>26</sup> Without doubt, the pan-European referendum would bear lots of complications, but first of all it would cause a large prolongation of the ratification process.

To sum up, direct democracy with its instruments has the potential to influence processes of European integration to a great extent. More precisely, integration processes will result in more frequent submitting of some European issues to be decided by citizens. It is then highly possible that the number of referendums in Europe will increase.

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<sup>26</sup> M. Mokre, J. Pollak, S. Puntscher Riekmann, P. Slominski, *Narody Europy...*, op. cit., pp. 7–8.

BRUNO KAUFMANN

## **Towards Transnational Democracy – the New European Approach**

### **1. Introduction**

What a change! For centuries Europe was the powerhouse of undemocratic practices and authoritarian rule worldwide. The bigger countries of the continent competed in waging wars against one another and trying to colonize as many societies as possible around the globe by force. In just half a century, however, Europe has become an avant-gardist in democratization. And as recently as 1989, millions of citizens built new and strong foundations for people power by proclaiming: “We are the people.”

The fall of the Berlin Wall offered and offers Europe an enormous opportunity: for the very first time it seems to be possible for the limitations of the Westphalian state system to be overcome and for a start to be made on the development of democratic structures beyond nation-state borders. While the European integration process in the past (and in many cases still today) can be seen as a major causal factor in stabilizing and sustaining democracy, the integration process also offers a natural and well-established framework for the future development of people power – by adapting modern representative democracy to an increasingly globalized world order.

The recent attempts to replace the existing (international) Treaties of the European Union with a “constitution-like” Lisbon Treaty must be assessed within this historical and global context. Its very starting point can be dated back to June 2001: within the space of a few days, Europe (and especially its leaders) had to learn that the old way of treaty-making behind closed doors had come to a preliminary end. The ones handing out the lesson were the Irish – the only citizens in Europe entitled to vote on the Nice Treaty. On June 6, 2001, they voted “no.” This blocked the Treaty, which was a compromise to allow the EU to adapt institutionally to enlargement. A few days after the Irish referendum, rioters in the Swedish city of Gothenburg transformed the EU summit venue into a stage for violence and police repression.

This propelled the need for reform and convinced the EU heads of state and government to agree – six months later at the summit in Laeken – on a new method for establishing European treaties by setting up a convention “on the future of Europe.” Thanks to its composition – a majority of the 105-member assembly were elected rather than appointed officials – the EU Convention developed a significant democratic dynamism and produced innovative proposals relating to greater transparency and participation, which the EU leaders could not openly oppose.

Instead of the envisaged simple new treaty, the EU heads of state and government signed – on October 29, 2004 in Rome – a “Treaty establishing a Constitution for Eu-

rope.” The constitutional notion triggered both a challenging ratification process, with several popular votes, as well as an agreement on new principles and procedures for overcoming the notorious “secondary democracy”<sup>1</sup> of the European Union.

In sharp contrast to earlier treaty ratification processes, it was now not just a few countries (such as e.g. Denmark and Ireland) which announced their intention of holding a referendum vote on the Constitutional Treaty (CT). By the beginning of 2005, almost half of the member states – representing a majority of the 450 million EU citizens – had promised to put the CT to a popular vote.<sup>2</sup> However, after the “non” and “nee” majorities in the French and Dutch referendums, all the other popular votes were cancelled and the member states relaunched their treaty negotiations in 2007 in order to get a more transnational and more constitution-like basic law approved by using the old intergovernmental methods and ratification procedures. This finally produced the “Lisbon Treaty,” signed at the 2007 December 13 summit in the Portuguese capital.

Table 1  
**Timeline: From Nice to Lisbon (2001–2010)**

<b>When?</b>	<b>Where?</b>	<b>What?</b>
June 6, 2001	Ireland	Irish voters say “nay” to the Nice Treaty
June 14/15, 2001	Gothenburg, Sweden	Violent clashes and riots at the EU/US Summit
December 13/14, 2001	Laeken, Belgium	EU heads of state and government agree on convention method for treaty revision
February 28, 2002	Brussels, Belgium	Former French President VGd'E opens the Convention on the Future of Europe
June 13, 2003	Brussels, Belgium	Convention delivers draft “Treaty to establish a European Constitution”
May 1, 2004	Europe	Accession of ten new EU member states after referendum votes in nine of them
October 29, 2004	Rome, Italy	EU heads of state and government sign the EU constitutional treaty (CT) which includes an initiative right for one million citizens from several member states
2005/2006	Europe	18 member states ratify the CT, seven do not ratify
2007	Germany/Portugal	Under the two presidencies, a revised CT, called the Lisbon Treaty is agreed
December 13, 2007	Lisbon, Portugal	EU heads of state and government signed the new basic law of the European Union
2008	Europe	Ratification of the Lisbon Treaty in the EU 27 – as in 2001 the Irish may be the only one to have a direct say in a referendum
January 1, 2009	Europe	After ratification in all member states the Lisbon Treaty could come into force.

<sup>1</sup> Th. Schiller, *Secondary Democracy in the European Union and the Role of Direct Democracy*, [in:] *Democratisation and Political Culture in a Comparative Perspective*, VS Verlag für Sozialwissenschaften, Wiesbaden 2005.

<sup>2</sup> Spain (Feb 20, 2005), France (May 29, 2005), Netherlands (June 1, 2005), Luxembourg (July 10, 2005), Denmark, Poland, Ireland, UK, Portugal, Czech Republic.

Less discussed in the public sphere, but no less innovative or important for the new EU approach towards transnational democracy, are the new democratic principles and procedures the Lisbon Treaty will introduce. It stipulates, among other things, the equality of representative and participatory democracy, the right to participate in the democratic life of the Union for all citizens, and – its most concrete measure – the establishment of the European Citizens' Initiative (Art. I8b). The article reads:

A significant number of citizens, no less than one million, coming from a significant number of Member States, may take the initiative of inviting the Commission, within the framework of its power, to submit an appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which they must come.<sup>3</sup>

For the very time in history citizens will get the right to be involved in setting the political agenda beyond national borders. This represents an attempt by the EU to overcome the limitations of indirect democracy and to open a perspective of "primary" democracy in Europe.<sup>4</sup> It will introduce a mechanism which focuses on specific policy issues and allows citizens to act as agenda-setters and – in the case of the constitutional referendums – as decision-makers. The historic novelty is that the EU is trying to combine transnational with direct democracy.

This new approach towards transnational democracy raises questions such as:

- does democratic theory offer hints and prospects for the possible success of the proposed transnational design?
- are there any norms which have been developed within national and/or subnational contexts which may be of relevance for the functioning of direct-democratic mechanisms on the transnational level?
- what preliminary lessons can be drawn from the ongoing ratification process on the EU constitutional treaty?

In the next sections we will try to give some answers to these questions and offer facts and materials for evaluating the next steps in researching and assessing the theoretical, normative and practical steps towards transnational democracy in Europe and beyond.

## 2. Towards a (new) Theory of Transnational Democracy

Only a few years ago, neither direct nor transnational democracy was the subject of comprehensive theoretical and empirical research. Traditionally, both fields had been marginalized by placing them in opposition to (in the case of direct democracy) representative democracy and to (in the case of transnational democracy) theories restricted to nation-states. Tony McGrew<sup>5</sup> explains that:

<sup>3</sup> Art. I 47.4.

<sup>4</sup> Th. Schiller, *Secondary Democracy in...*

<sup>5</sup> T. McGrew, *Transnational Democracy. Theories and Prospects* in Carter, April: Democratic Theory Today, Polity Press, 2006.

...until comparatively recently, democratic theorists rarely ventured beyond the state, since prevailing orthodoxy presumed a categorical distinction between the moral realm of the sovereign political community and the amoral realm of the anarchical society; (...) In effect, theorists of modern democracy tended to bracket the anarchical society, whilst theorists of international relations tended to bracket democracy.<sup>6</sup>

Researching for an early publication on the issue back in the first half of the 1990s (in the catalogue of the University of California at Berkeley), I was unable to find a single reference to “transnational democracy” in the available research literature. However, this has changed considerably over the last ten years, during which time a growing number of scholars have dedicated their time and skills to generating theories of transnational democracy. These scholars include Gross,<sup>7</sup> Dahl, Dryzek,<sup>8</sup> Held,<sup>9</sup> Patomäki,<sup>10</sup> Schiller/Mittendorf,<sup>11</sup> Fossum/Trenz<sup>12</sup> and McGrew.<sup>13</sup>

The growing literature on democratic theory and practice beyond national borders mirrors a genuine “transnational turn”<sup>14</sup> and articulates a shift in understanding the democratic project. The situation is paradoxical indeed. On the one hand, more citizens than ever before are today enjoying some basic democratic conditions in their home countries.<sup>15</sup> On the other hand, the scope of these national democracies becomes ever more restricted as the number of issues dealt with at the inter- and transnational levels steadily increases. The national democracies have often become too small to find proper solutions for the economic, environmental, security and health problems. Many communities with a common destiny no longer coincide with national borders.

Recent economic and technological developments have dynamized the development of globalization, bringing international organizations like the UN, the IMF, the World Bank and the WTO – but also regional supranational bodies such as the European Union, the African Union, ASEAN and NAFTA – into key positions. At the same time, the intensification of global interactions in the economic, political and societal fields profoundly challenges nation-state based democratic institutions. These transna-

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<sup>6</sup> Ibidem, p. 2.

<sup>7</sup> A. Gross, *Auf der politischen Baustelle Europa. Eine europäische Verfassung für eine transnationale Demokratie eröffnet auch der Schweiz neue Integrationsperspektiven*, Realotopia, Zürich 1996.

<sup>8</sup> J. S. Dryzek, *Transnational democracy*, “The Journal of Political Philosophy” 1999, no. 7(1), pp. 30–51.

<sup>9</sup> D. Held, *The changing contours of political community. Global Democracy: Key Debates*, B. Holden, Routledge, London 2000.

<sup>10</sup> H. Patomäki, *Republican public sphere and the governance of globalizing political economy. Value Pluralism, Normative Theory and International Relations*, M. Lensu and J.-S. Fritz, MacMillan, London 2000, pp. 160–195.

<sup>11</sup> Th. Schiller, V. Mittendorf, *Direkte Demokratie –Forschung und Perspektiven*, Westdeutscher Verlag, Wiesbaden 2002.

<sup>12</sup> J. E. Fossum, H.-J. Trenz, *When the people come in: Constitution making and the belated politicisation of the European Union*, European Governance Papers (EUROGOV), no. C-06-03, <http://www.connex-network.org/eurogov/pdf/egpconnex-C-06-03.pdf>, 2006.

<sup>13</sup> T. McGrew, *Transnational Democracy...*

<sup>14</sup> Ibidem, p. 3.

<sup>15</sup> Around 72% of the world population in 133 countries, according to Freedom House.

tional developments have effectively undermined the steering capacities of national polities.

In many of today's electoral processes, international aspects and influences are playing a growing role, but popular votes within nation-states (both elections and referendums) are still mainly fought and won on domestic agendas. While domestic issues still prevailed in e.g. the referendum votes in Spain, France, the Netherlands and Luxembourg, such transnational aspects as cross-border campaigning and financing have become more important. The interconnection of decision-making processes across Europe has a (growing) influence on how an issue is dealt with in one country.

In an attempt to map the existing theories of transnational democracy, one has to differentiate this approach from the still dominant internationalist perspective, under which sovereign states are the principal and moral foundations of world order. In underlining the normative necessity of a transnational approach, however, transnational democracy theoreticians instead share the belief that “under the conditions of contemporary globalization, transnational democracy is a necessary, desirable and politically feasible project: in other words, that democracy is to be valued over alternative systems of authoritative rule.”<sup>16</sup>

As an illustration of the move from an internationalist towards a transnationalist perspective, the European integration process offers many practical examples. While the initial treaty structure placed the member states in pole-position as the sole “masters of the game,” the recent development towards a constitution structure has dramatically increased the legal and political role of the citizens. Today's EU and its first and strongly-debated Constitutional Treaty is the expression of this change – from an internationalist to a transnationalist political community.

Within the transnationalist school, however, the literature offers at least four distinctive approaches towards a theory of transnational democracy:

- the **liberal-internationalist** approach focuses on the rule of law beyond national borders and sees the anarchic system of competing states being replaced by structured and formalized ways of cooperation between states. Its “transnationalist” dimension is rather weak, democracy beyond the nation-state being understood as a “voluntary pluralism under conditions of maximum transparency.”<sup>17</sup> Many reform debates within international organizations like the UN, the IMF and the WTO are dominated by the liberal-internationalist approach, which seeks to transfer the foundations of liberal-pluralism within nation-states to the transnational level – including the rule of law, the implementation of civil rights, limited citizen power and decision-making by unanimity;
- in opposition to the liberal-internationalist perspective, a second approach towards transnational democracy has developed: the **radical pluralist democratic** one. It represents “something of a cocktail of elements of post-modernist, Marxist and republican theory”<sup>18</sup> and includes a strong emphasis on equality, active citizenship and

<sup>16</sup> T. McGrew, *Transnational Democracy...*, p. 9.

<sup>17</sup> R. O. Keohane, *International Institutions: Can Interdependence Work?*, Foreign Policy, Spring 1998, pp. 82–96.

<sup>18</sup> K. Hutchings, *International Political Theory*, Sage, London 1999, p. 166f.

- the promotion of public good. Radical pluralist democrats replace the somewhat procedural and technocratic approach of the liberal-internationalists by a moral agenda of emancipation. Instead of the old liberal elites, new actors such as the environmental or women's movements are becoming protagonists at the transnational level;
- in an attempt to bring the liberal-internationalist approach to the rule of law beyond nation-states in line with the “bottom-up” radical pluralist democratic perspective, scholars such as David Held and Tony McGrew<sup>19</sup> have developed an account described as a **cosmopolitan democratic** approach. Here existing principles of liberal international order are combined with radical views on the need for a “new constitutional settlement in which democratic principles are firmly entrenched.”<sup>20</sup> The agenda of “cosmopolitan democracy” includes the need for democratization both within existing polities and between them, and envisages the development of “a political order of democratic associations: cities and nations as well as regions and global networks.”<sup>21</sup>
  - a fourth perspective on transnational democracy deals mainly with the **deliberative democratic** dimensions. Instead of trying to reform or democratize existing forms of transnational governance, the proponents of this perspective understand transnational democracy as an expression of deliberative processes around the globe, bringing in a strong and decisive role for a transnational civil society: “The essence of democratic legitimacy is to be found not in voting or representation... but rather in deliberation,” stresses J. S. Dryzek.<sup>22</sup> All those affected by decisions of a public authority, regardless of national borders, must have the right to have a say. They become stakeholders of a certain issue.

As this short overview has shown, the different approaches towards a theory of transnational democracy define themselves in opposition both to the traditional internationalist-realist approach as well as (to some extent) to each other. All four schools promote in a way an idealist vision for global governance: the liberal-internationalists envisage a world order “under the rule of law,” the radical pluralist democrats hope to realize a “progressive global agenda,” the cosmopolitan democrats outline “overlapping and autonomous centers of power” firmly based on democratic principles, while the deliberative democrats believe less in institutions than in the structures of public communication.

Fortunately, the political reality is both much more complex and less comprehensive. While the transnationalists are right to assess the traditional internationalist approach to global politics as outdated and political reality as much more complex and developed than the old realist perspective is able to accept, the development of a system of transnational governance is far from becoming truly global. We can, however, find elements of all four perspectives today, such as the establishment of International Criminal Courts (liberal-internationalist), the consolidation of Social Forums across the

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<sup>19</sup> D. Held, T. McGrew, et al., *Global Transformations: Politics, Economics and Culture*, Polity Press, Cambridge 1999.

<sup>20</sup> D. Held, *The changing contours...*

<sup>21</sup> Ibid., p. 234.

<sup>22</sup> J. S. Dryzek, *Transnational democracy...*

globe (radical pluralist democrats), the development of *de facto* federal regional bodies in different parts of the world (cosmopolitan democracy), and a transnational deliberative sphere as e.g. in the recent case of the Mohammed cartoons in Denmark (deliberative democrats).

Table 2  
Models of Transnational Democracy

Type of Model	Approach	Main Actors	Example
Liberal-internationalist	Institutional-technocratic	Official institutions	UN, IMF Reform ICC
Radical-pluralist	Non-institutional activist	New social movements	World Social Forum
Cosmopolitan	Institutional-technocratic	World regions and cross-border cooperations	EU, African Union, Asean, NAFTA
Deliberative	Non-institutional activist	Civil society	Global debate on Mohammed cartoons

While all the above-mentioned theories obviously take in some of the ongoing global dynamics, they fail to offer a comprehensive toolkit for assessing the development of democracy at the transnational level, as they underestimate the growing importance of modern direct democracy within above all the European, but also other regional integration processes.

The mechanism of modern direct democracy seems to be a missing link for understanding and developing a theory of transnational democracy. Modern direct democracy bridges the gaps between the institutional-technocratic approaches (as in the liberal-internationalist and cosmopolitan perspectives) and the non-institutional activist approaches (radical pluralist and deliberative). A theory of transnational democracy in the making must hence include an account of the functions and effects of initiative and referendum mechanisms, less for normative than for empirical reasons.

The European integration process has become the world's first and major testing ground for the development of a modern democracy beyond national borders. Its new approach offers the evidence that modern democracy has not only taken a "transnational turn," but also a "direct turn" – a development which will be examined more closely in the following section.

### **3. A Modern Democracy in the Making**

Initiatives and Referendums – as a complement to elections – are playing an increasingly important role in involving citizens in the political process. During the last 15 years, almost all the states of Europe have introduced direct-democratic procedures at the local, regional or national level. In Latin America, 13 out of 15 countries have introduced instruments of direct democracy, and across Africa and Asia the tools of citizen-lawmaking have been introduced and are being used in a growing number of countries.

These developments in modern democracy have not gone unnoticed in the academic world. Research and documentation centers on direct democracy have been

created at numerous universities, and such international organizations as the Council of Europe and the Stockholm-based International Institute for Democracy and Electoral Assistance have set up research networks. The increasing academic attention being given to the theory, procedures and practice of direct democracy is producing important findings both on its achievements and potential – but also on its limitations and problems.

Direct-democratic mechanisms as part of a modern representative democracy are not a new phenomenon, however. The first nationwide referendum took place back in 1793. This happened in France, which at that time had an electorate of just 6 million male and non-military citizens. On a turnout of just 31% of the total electorate, 9 out of 10 voters said “yes” to the so-called Montagnard Constitution. This constitution provided for optional legal referendums to be launched by one-tenth of the eligible citizens, within 40 days after a decision in parliament. However, in spite of the overwhelming “yes” by the citizens in the August 4 vote, the Montagnard referendum was never enforced. War, revolutionary terror and finally Napoleon Bonaparte’s dictatorship prevailed during the following decades.

The European initiative and referendum experience differs from the American one in several ways. It is much more diverse, because it covers many different nation-states with different historical backgrounds and institutional set-ups, and it also has a somewhat different historical time frame. While citizen lawmaking has been an important element in politics in the United States for slightly more than a century, the European initiative and referendum experience started only two decades ago. The latter takes in all political levels, large and small countries, and minor and major issues. European referendums, especially outside Switzerland, may also be triggered and controlled by a president, a government or a parliament. Many strong leaders in European history had a preference for this type of “referendum from above” – and some still do.<sup>23</sup>

There have been three big waves of the “democratization” of political democracy. The first occurred in 18<sup>th</sup>-century Switzerland, when all of the main features of a modern direct democracy, such as the mandatory constitutional referendum, the optional legislative referendum, and the popular citizens’ initiative were developed, introduced and practiced. Another, much more fragile wave, flowed between the two world wars, when many new nation-states were trying to balance the top-down structures of governments with bottom-up-tools such as the popular initiative. This was not an overly successful attempt, as authoritarian leaders soon started to hijack the process, thereby discrediting direct democracy for almost a century. When, in the late 1980s and early 1990s, citizens all over Europe, in particular in the eastern part of the continent, stood up against their rulers and shouted “We are the people,” a third and much stronger wave of direct democracy took hold of Europe. Many countries across Europe and the world gave themselves new constitutions – very often by referendum.

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<sup>23</sup> N. Sauger, A. Laurent, *Le Référendum de ratification du Traité constitutionnel européen: Comprendre le “Non” français*, 42, Les Cahiers du Cevipof, Centre de Recherches Politiques de Science Po, Paris 2005.

Table 3  
The Main Instruments of Modern Direct Democracy

Popular Votes/Referendums								
Mandatory		Optional						
		Institutional			Citizens' Demand			
		Executive	Legislative majority	Legislative minority	New legislation	Old legislation		
Predetermined issues	Predetermined situations				Rejective		Citizens' initiatives Agenda initiatives	

Historically, the introduction of initiatives and referendums shows three main tendencies:

- the introduction of political co-determination for citizens comes in successive stages. First to be established is the right of veto; then comes the statutory constitutional referendum; then follows the legislative referendum; and finally the right of initiative;
- citizens' rights, after being introduced below, move upwards. Rights are first introduced in the member states (cantons), then move up to the federal level;
- rights are normally established by a broad coalition of differing interests. When the federal state in Switzerland was established in 1848, only the statutory constitutional referendum was grounded in the constitution. The legislative referendum became law in 1874. Finally, the right of initiative was established in 1891.

While the number of popular (referendum) votes around the world grew slowly during the first three quarters of the 20<sup>th</sup> century, the use of them increased in tandem with the extension of modern democratic institutions from the mid-1970s. In fact, more than half of all nationwide referendums since 1793 have been held in the last 25 years. While more than half of these votes took place in Europe, approx. 150 each were held in Latin America, Asia and Africa.

Table 4  
Popular (referendum) votes worldwide

Time	Europe	Asia	Americas	Oceania	Africa	Total
1793–1900	58	0	3	0	0	71
1901–1910	14	0	0	4	0	18
1911–1920	21	0	3	5	0	29
1921–1930	36	1	2	6	0	45
1931–1940	40	0	7	6	0	53
1941–1950	36	2	3	11	0	52
1951–1960	38	13	3	5	9	68
1961–1970	44	22	4	7	19	96
1971–1980	116	50	8	14	34	222
1981–1990	129	30	12	7	22	200
1991–2000	245	24	76	15	35	385
2001–2007	115	17	24	16	29	201
<b>Total</b>	<b>882</b>	<b>159</b>	<b>145</b>	<b>96</b>	<b>148</b>	<b>1430</b>

**Source:** B. Kaufmann, R. Büchi, N. Braun, P. Carline, *The Initiative & Referendum Institute Europe Guidebook to Direct Democracy – in Switzerland and beyond*, 2008 Edition, Marburg/Brussels 2007.

In the context of the European integration process, initiatives and referendums have become a key concept of development. According to Dan O'Brien and Daniel Keohane, referendums “inject a dose of human drama into the technocratic machinery and arid theory of EU integration” and “generate understanding and encourage participation by focusing attention on the EU and its workings.” “This should be welcomed,” conclude the two London-based political analysts, as “referendums specifically on the EU are the only way of putting the Union and what it does at political centre-stage.”

In fact, no other issue has triggered as many popular votes worldwide as the European integration issue. Between April 1972, the date when the French voted in favor of enlargement, and November 2006, 48 referendums in 25 countries were conducted on either accession (34), new treaties (13) or constitutional matters (1).<sup>24</sup> A closer look at these referendums – of which 35 have taken place since 1992 alone – shows that in 34 cases the voters took a pro-integration stance and the average turnout was fairly stable (around 65%). Unlike accession decisions by individual states, treaty referendums had profound impacts on the European Union at large. Most renowned are the French ‘non’ and the Dutch ‘nee’ to the EU constitutional treaty, as well as the earlier rejections in Denmark (the Maastricht Treaty) and Ireland (Nice Treaty). Until the next European Parliament elections in June 2009 at least two more citizen decisions on Europe will be taken: in Ireland on the new Lisbon Treaty and in Switzerland on the issue of free movement with the two most recent EU member states, Romania and Bulgaria.

Table 5  
(Nationwide) popular (referendum) votes on Europe in Europe

	Country	Final voting day	Issue	Yes-share	Turnout
1	2	3	4	5	6
1	France	23.4.1972	Enlargement	68.28%	60.27%
2	Ireland	10.5.1972	Accession	83.10%	70.88%
3	Norway	26.9.1972	Accession	46.50%	79.20%
4	Denmark	2.10.1972	Accession	63.29%	90.40%
5	Switzerland	3.12.1972	Free Trade Treaty	72.50%	52.00%
6	Britain	5.6.1975	Conf. of Membership	67.23%	64.03%
7	Greenland	23.2.1982	Conf. of Membership	45.96%	74.91%
8	Denmark	27.2.1986	Common market	56.24%	75.39%
9	Ireland	26.5.1987	Common market	69.92%	44.09%
10	Italy	18.6.1989	Prep. for EU-Const.	88.06%	85.40%
11	Denmark	2.6.1992	Maastricht Treaty	47.93%	83.10%
12	Ireland	18.6.1992	Maastricht Treaty	68.70%	57.31%

<sup>24</sup> A special referendum took place in Italy on 18 June 1989. Triggered by a popular initiative of 114,000 Italian citizens, a popular vote was held on the “beginning of a EU constitution-making process by the European Parliament.” With a remarkable turnout of more than 80%, almost 90% of the voters supported the proposal, which gave the Italian government a strong mandate to work for a replacement of the treaties by a constitution. See also: B. Kaufmann, R. Erne, A. Gross, H. Kleger, *Transnationale Demokratie. Impulse für ein demokratisch verfasstes Europa*, Realotopia, Zürich 1995.

1	2	3	4	5	6
13	France	20.9.1992	Maastricht Treaty	51.05%	69.69%
14	Switzerland	6.12.1992	EEA Accession	49.70%	78.00%
15	Liechtenstein	12.12.1992	EEA Accession	55.81%	87.00%
16	Denmark	18.5.1993	Maastricht Treaty	56.77%	85.50%
17	Austria	12.6.1994	Accession	66.58%	82.35%
18	Finland	16.10.1994	Accession	56.88%	70.40%
19	Sweden	13.11.1994	Accession	52.74%	83.32%
20	Åland Islands	20.11.1994	Accession	73.64%	49.10%
21	Norway	28.11.1994	Accession	47.80%	89.00%
22	Liechtenstein	9.4.1995	EEC	55.88%	82.05%
23	Switzerland	8.6.1997	Accession procedures	25.90%	35.00%
24	Ireland	22.5.1998	Treaty of Amsterdam	61.74%	56.26%
25	Denmark	28.5.1998	Treaty of Amsterdam	55.10%	76.24%
26	Switzerland	21.5.2000	Bilateral Treaties	67.20%	48.00%
27	Denmark	28.9.2000	Euro membership	46.87%	87.20%
28	Switzerland	4.3.2001	Accession procedures	23.20%	55.00%
29	Ireland	7.6.2001	Nice Treaty	46.13%	34.79%
30	Ireland	19.10.2002	Nice Treaty	62.89%	48.45%
31	Malta	8.3.2003	Accession	53.60%	91.00%
32	Slovenia	23.3.2003	Accession	89.60%	60.30%
33	Hungary	12.4.2003	Accession	83.80%	45.60%
34	Lithuania	11.5.2003	Accession	91.10%	63.40%
35	Slovakia	17.5.2003	Accession	92.50%	52.20%
36	Poland	8.6.2003	Accession	77.50%	58.90%
37	Czech Republic	14.6.2003	Accession	77.30%	55.20%
38	Estonia	14.9.2003	Accession	66.80%	64.00%
39	Sweden	14.9.2003	Euro membership	42.00%	82.60%
40	Latvia	20.9.2003	Accession	67.00%	72.50%
41	Romania	19.10.2003	Prep. for EU accession	89.60%	55.20%
42	Spain	20.02.2005	Constitutional Treaty	76.73%	42.32%
43	France	29.05.2005	Constitutional Treaty	45.32%	69.34%
44	Netherlands	01.06.2005	Constitutional Treaty	38.40%	62.00%
45	Switzerland	05.06.2005	Schengen membership	54.60%	56.63%
46	Luxembourg	10.07.2005	Constitutional Treaty	56.52%	90.44%
47	Switzerland	25.09.2005	Free Movement Enl.	56.00%	54.51%
48	Switzerland	26.11.2006	Cohesion Contribution	53.40%	45.00%
49	Ireland	May/June 2008	Lisbon Treaty		
50	Switzerland	17.05.2009	Free Movement with Romania & Bulgaria		

Extensive studies undertaken by academics such as Simon Hug, Matthias Benz and Alois Stutzer offer interesting analyses. First, European policies are in greater harmony with the wishes of the citizens in countries where referendums on Europe are often held (Ireland and Denmark) than in countries without such instruments. Second, referen-

dums about Europe contribute over the longer term to increased support for the integration process as such. And third, the referendum option improves the ability of governments to determine the agenda of treaty negotiations. This last point was of greater importance when only a very small number of countries had the option of an EU referendum. As this option was discussed in most, and implemented in many, countries during the latest treaty negotiations, this impact may have diminished.

More problematic aspects of popular votes on EU issues have been linked to the conduct of the referendum process. In several countries, special majority requirements are linked to a referendum vote, such as a 50% turnout quorum (Poland) or a 50% approval quorum (Lithuania). However, such requirements invite boycott strategies and have negative impacts on the democratic process. Additionally, there are obvious problems linked to non-binding votes, when the electorate does not know for sure if parliament and government will honor the outcome of a referendum. Finally, in countries where referendums are a rare phenomenon, political parties tend to perceive referendums as undermining representative democracy and decisions in parliament.<sup>25</sup>

The inclusion of direct-democratic mechanisms into modern representative democracy has almost become a standard – especially in Europe. This mirrors the need for continuous and dynamic democratization as well as an overall approval by large majorities in most countries, as a recent study by Donovan and Karp<sup>26</sup> has underlined. However, as the normative debate on whether modern direct democracy is desirable and feasible has diminished due to the empirical facts, design and quality aspects have become much more important.

As Schiller<sup>27</sup> emphasizes, a “proposal to incorporate direct democracy into any political system needs to take into account the polity context, particularly the institutional background, the history and the political culture(s).” For the envisaged use of direct-democratic procedures at the transnational level in Europe, this careful development of implementation criteria is of high priority, as the process will include an electorate of several hundred million citizens. At the same time, it is advisable to learn from the growing experience with popular initiatives and referendums in Europe on Europe.

#### 4. Lessons from Europe for Europe (and beyond)

The founding fathers of the European Union did not like the idea of including citizens directly in decision-making processes at the transnational political level. This was

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<sup>25</sup> For an overview of referendum use in Europe see: B. Kaufmann, M. D. Waters, *Direct Democracy in Europe – a comprehensive reference guide to the initiative and referendum process in Europe*, Carolina Academic Press, North Carolina, USA 2004.

<sup>26</sup> T. Donovan, J. A. Karp, *Popular Support for Direct Democracy*, paper presented for 20<sup>th</sup> IPSA World Conference in Fukuoka, 2006.

<sup>27</sup> Th. Schiller, *Direct Democracy in Europe–Towards a European Initiative Right and a first pan-European Referendum*, Paper presented at IRI Europe Forum in Warsaw on February 15, 2006.

due less to the experience of the Second World War than to the growing threat of the Cold War, which initially spoiled the ideas for a democratic European federation which were developed in the 1940s. This resulted in the integration process of the 1950s being dominated by economic and bureaucratic considerations: Jean Monnet's system did not provide for direct civilian participation in decision-making. It was another great Frenchman, President Charles de Gaulle, who first formulated the challenge of a Europe-wide referendum at the beginning of the 1960s.

The proposal for a pan-European referendum resurfaced during the work of the EU Convention in 2002/2003, when a large majority of Convention members signed a resolution proposing a Europe-wide popular vote on the Constitutional Treaty.<sup>28</sup> Despite this clear signal from the Convention, the EU heads of state and government opted for the old solution of allowing the member states themselves to decide whether and how a popular decision should be held or not. This had two negative consequences:

- in several member states, the citizens only learned after the signing of the CT that they would have a say on the issue;
- the uncoordinated organization of the ratification process led to mainly national debates on what were mainly European issues.

Another, much better and more democratic method would have been – as Schiller<sup>29</sup> (2006) has outlined – to:

- set up a convention with a directly-elected constitutional assembly;
- provide for a minimum level of public discussion on the constitutional issues;
- agree on the obligation of all member states to provide in their domestic law for a constitutional referendum for ratification;
- set rules for the approval of the constitution.

Such a procedure would have ensured ownership by the citizens throughout the process. In order to assess the usefulness of the referendum tool in the ratification process it is of great importance to consider the context and framework under which such a vote takes place.

All four referendums held in 2005 on the CT were votes triggered by authorities and – with the exception of the French vote – all the votes were non-binding. As Morel<sup>30</sup> has shown, however, referendums on European issues have in certain cases become de facto mandatory and de facto binding. While in Spain, France (the President) and Lux-

<sup>28</sup> The text of the resolution documented in: Bruno Kaufmann, D. Wallis, J. Leinen, C. Berg, P. Carline, *Initiative for Europe – your guide towards transnational democracy, Handbook 2008*, Marburg/Brussels 2007: "We propose that the Convention recommends to the Inter-Governmental Conference that the draft European Constitution be approved not only by National Parliaments and the European Parliament but also by the citizens of Europe in binding referendums. These referendums should take place in accordance with the constitutional provisions of the member states. They should be held simultaneously on the same day, an option being the same day as the European Parliament Elections in June 2004. Those member states whose constitutions do not currently permit referendums are called upon to hold at least consultative referendums. An information campaign must be publicly funded."

<sup>29</sup> Th. Schiller, *Direct Democracy in Europe...*

<sup>30</sup> L. Morel, *Le choix du référendum: Leçons françaises. L'émergence d'un référendum politiquement obligatoire*, Paper presented at the ECPR General Conference in Budapest, 2005.

embourg it was the government which triggered the referendums, in the Netherlands it was the parliament which decided to hold the very first nationwide referendum vote in history – against the wishes of the conservative government. The double rejection of the CT in France and the Netherlands acted as a catalyst for EU leaders to start looking for the right procedures in the appropriate democratic forms. As a first step, the EU institutions could try to introduce the right of initiative. It has the power to generate both horizontal and vertical political relationships, which have been neglected so far in Europe. Under Part I, Article 8 the Lisbon Treaty describes “The Democratic Life of the Union” and the principle of an equality between indirect and direct democracy. A special article (Art. I-8b) is dedicated to “participatory democracy.” It sets out the terms of reference for a “European citizens’ initiative.”

European laws are to determine the provisions for the procedures and conditions required for such a citizens’ initiative, including the minimum number of EU member states from which such citizens must come. If implemented, this new “initiative right” would be the very first direct-democratic instrument at a transnational level, offering citizens an equivalent to the European Parliament’s and the European Council’s right to request legal action by the Commission. However, the EU Commission will retain its formal monopoly to initiate EU legislation, and the citizens’ initiative right will not – unlike initiative rights in countries such as the Slovak Republic or Slovenia – trigger a referendum process.

Table 6  
Initiative rights in the countries of Europe

Countries with initiative rights at all political levels (10)	Countries with initiative rights only at the national level (11)	Countries with initiative rights only at the subnational level (9)	Countries in which there is legal recognition of the instrument of the agenda initiative (20)
– Hungary	– Latvia	– Belgium	– Hungary
– Italy	– Austria	– Czech Republic	– Italy
– Lithuania	– Portugal	– Estonia	– Slovakia
– Slovakia	– Albania	– Finland	– Slovenia
– Slovenia	– Macedonia	– Germany	– Finland
– Netherlands	– Croatia	– Sweden	– Germany
– Poland	– Romania	– Great Britain	– Netherlands
– Spain	– Moldavia	– Norway	– Austria
– Liechtenstein	– Andorra	– Bulgaria	– Portugal
– Switzerland	– Serbia		– Spain
	– San Marino		– Switzerland
			– Norway
			– Albania
			– Romania
			– Bulgaria
			– Moldavia
			– Andorra
			– Serbia
			– Macedonia
			– San Marino

**Source:** B. Kaufmann, D. Wallis, J. Leinen, C. Berg, P. Carline, *Initiative for Europe – your guide towards trans-national democracy, Handbook 2008*, Marburg/Brussels 2007, p. 8.

The European Citizens' Initiative (ECI) is an “agenda-setting” tool, which could contribute towards making European politics more visible and could allow for transnational public debates. This would contribute to the “Europeanization” of political democracy and serve as an additional means of popular control of policies within the EU. Much, though, will depend on the European laws still required “to determine the provision for the procedures.”

Two key questions which were debated during the constitution ratification process are, first, the formal powers a successful ECI will have over the Commission (for example, must the Commission follow the intentions of the ECI?), and secondly, whether the ECI can be used for constitutional amendments as well, opening up the door for further reforms of the EU Treaties “from below.” These issues will now again be in the center of the debate until the final coming into force of the Lisbon Treaty.

The growing experience with popular initiative rights at the local, regional and national levels suggests that the time offered for gathering the required signatures, as well as the methods of signature gathering, are critical to the democratic potential of this political instrument. As the EU Commission has proudly declared the ECI to be a tool to “rapidly diminish the democratic deficit in the EU,” there are high expectations linked to the new instrument – expectations which may not be fulfilled if the implementation laws are not developed in a citizen-friendly manner and with great institutional care.

Before the referendums on the constitutional treaty in France and the Netherlands, the President of the EU Commission, José Manuel Barroso, stated: “The constitution provides new ways for citizens to actively participate in the decision-making process by being able to propose initiatives if backed up by one million signatures across a significant number of countries. To put it simply: we will have more democracy.”<sup>31</sup> Barroso’s deputy, Communication Commissioner Margot Wallström, has stressed that with the new initiative right, “real progress for direct democracy in Europe” will be made.<sup>32</sup> While the EU Commission has reopened its work on preparing and drafting an implementation law for the ECI the European Parliament will have to make its own assessment of the new instrument. For the Liberal Democrats in the Parliament, the Citizens’ Initiative is one of “key innovations” in the Lisbon Treaty. The very idea of an issue-centered, transnational, agenda-setting instrument “from below” has, however, already inspired many actors within European civil society to study the possibility of launching an initiative. Some groups and networks have gone one step further and have in fact already launched a European Citizens’ Initiative. In the end of 2007 twenty such transnational citizens’ initiatives were launched.

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<sup>31</sup> J. M. Barroso, *Prospects and challenges for the European Union*, “Friends of Nieuwspoort” speech, The Hague, 2 March 2005.

<sup>32</sup> Speech in Prague on May 9, 2005. Wallström said on Europe Day that: “The constitution gives more direct power to the people... If you manage to collect one million signatures in a significant number of EU countries, you can ask the Commission to propose a new law or policy. In effect, this gives you a right of initiative that had previously been reserved for the Commission alone. That is real progress for direct democracy in Europe.”

Table 7

## The first twenty European Citizens' Initiatives

No.	Issue	The main goal	Initiative committee	Signature gathering	Status	Link
1	2	3	4	5	6	7
1	One seat Initiative	To establish Brussels as the only seat for the EP	Mainly MEPs	e-gathering only, without verification email	Delivered (18-09-06) more than 1108950 signatures.	<a href="http://www.oneseat.eu">www.oneseat.eu</a> 20 available languages
2	Equality for all!	To extend EU citizenship to all EU residents	Europ. Association for the protection of human rights	e-gathering only, with verification email	Launched and ongoing	<a href="http://www.aedh.eu/petition_million/petition-million.htm">www.aedh.eu/petition_million/petition-million.htm</a> , 22 available languages
3	Against Nuclear Energy	To end the Euratom Treaty and to prevent the construction of new nuclear facilities	Friends of the Earth, Global 2000	e-gathering and signature list, without verification email	Launched and ongoing (More than 634,686 signatures gathered)	<a href="http://www.Million-against-nuclear.net">www.Million-against-nuclear.net</a> , 13 available languages
4	European Health Initiative	To allow natural remedies Europe-wide and to allow referendums in the EU	Dr. Rath Health Foundation	Signature list without verification email	Launched and ongoing	<a href="http://www.eu-referendum.org">www.eu-referendum.org</a> , 4 available languages
5	Partnership instead of membership for Turkey	To prevent Turkey from becoming a full member of the EU	Conservative NGOs from PL, SZ, AT, DE	e-gathering and signature lists, without verification email	Launched (Oct 3, 2005) and ongoing	<a href="http://www.voiceforeurope.org">www.voiceforeurope.org</a> ,* 17 available languages
6	For a political Europe of Freedom, Security and Justice	To enforce cooperation on justice within the EU	French politicians	e-gathering only, with verification email, EU 25 nationals only	Launched (March 9, 2005)	<a href="http://www.petition-europe-justice.com">www.petition-europe-justice.com</a> ,* 3 available languages
7	Efficient 112 all over Europe	The European Commission shall ensure a common emergency service	European emergency number association	e-gathering only, without verification email	Launched (July 29, 2005)	<a href="http://www.112petition.org">www.112petition.org</a> , 22 available languages
8	Help Africa	To provide an extra 5 bill. EUR a year for people living with AIDS in Africa	Mainly UK MEPs	e-gathering only, without verification email	Launched in 2004	<a href="http://www.helpafricpetition.com">www.helpafricpetition.com</a> ,* English-only
9	Initiative pour un Service Civil Européen	To establish a panEuropean civil service called "un erasmus de la solidarité"	Mouvement Européen-France	e-gathering only, without verification email	Launched in 2005	<a href="http://www.mouvement-europeen.org/petition.php">www.mouvement-europeen.org/petition.php</a> ,* French only
10	Save Our Social Europe	Campaign for a social Europe	Volkshilfe Österreich	e-gathering only, without verification email	Launched in 2006	<a href="http://www.soseurope.org">www.soseurope.org</a> , 4 languages

1	2	3	4	5	6	7
11	1million4disability	For disabled people's rights, through effective legislation, combating all forms of discrimination and guaranteeing their full inclusion	European Disability Forum	e-gathering with verification email, and paper gathering	Launched on January 23, 2007 (more than 1289642 signatures gathered)	<a href="http://www.1million4disability.eu">www.1million4disability.eu</a> , 19 languages
12	Labeling Genetic Engineered Food	Calling for the labeling of animal products where the animals have been fed with GE (genetically engineered) feed	Greenpeace International	On paper gathering	Launched in 2005 Delivered on February 5, 2007 (more than 1 million signatures gathered)	<a href="http://www.greenpeace.org/international/press/releases/1-million-europeans-call-for-g">www.greenpeace.org/international/press/releases/1-million-europeans-call-for-g</a> *
13	Initiatives of applied anthroposophy	Calling for the support of initiatives for applied anthroposophy	Aktion Eliant	On paper and e-gathering, with verification email	Launched in 2006	<a href="http://www.eliant.eu/">www.eliant.eu/</a> in 10 EU-languages
14	High Quality of Public Services	To introduce a legal framework for a transnational public service	European Trade Union Confederation (ETUC)	On paper and e-gathering, with verification email	Launched on November 28, 2006 80.000 signatures	<a href="http://www.petitionpublicservices.eu">www.petitionpublicservices.eu</a> * in 22 languages
15	For a European Referendum on the EU Constitution	To trigger a consultative popular vote on the new EU constitution	Union of European Federalist (UEF)	E-gathering only, with control and verification mechanism	Launched in spring 2007, 6630 signatures	<a href="http://www.europeanreferendum.eu">www.europeanreferendum.eu</a> , 5 languages
16	Initiative for the Initiative	The proposal to implement a citizen-friendly European Citizen Initiative procedure	Alliance of NGOs and student groups	On paper and e-gathering, with verification email	Launched in November 2006, 15,000 signatures	<a href="http://www.citizens-initiatives.eu">www.citizens-initiatives.eu</a> , in 23 languages
17	Emergency Euro-petition for Darfur	Demand to dispatch an international protection force to Darfur	Human Rights Organisations	On paper and e-gathering, with verification email (publication and comment option)	Launched in Spring 2007, 6000 signatures	<a href="http://www.europetition-darfur.fr">www.europetition-darfur.fr</a> , in two languages (en/fr)
18	Referendum on the next EU Treaty	To trigger a referendum in Europe on Europe	MEPs Diana Wallis and Jens Peter Bonde	Only e-gathering, with verification email	Launched on June 20, 2007	x09.eu, 27 languages
19	Cancer United	call for the European institutions and the national governments to act urgently in the interests of cancer patients across Europe	Stakeholders in Cancer Care, Federation of European Cancer Societies	Only e-gathering, confirmation but no verification email	Launched on October 18, 2006 3390 signatures, 18 months timeline	<a href="http://www.cancerunited.org">www.cancerunited.org</a> , 23 languages
20	European Citizenship Initiative	To create a forum on European citizenship for study and hearings with citizens and civil society	European Citizen Action Service	e-gathering, no confirmation or verification procedure	Launched in 2006, no published numbers of signatures	<a href="http://www.ecas-petition.org/citizenship">www.ecas-petition.org/citizenship</a> , in six languages

\* These initiatives could not be signed online any more by the end of 2007.

A brief assessment of these twenty pilot initiatives shows that the new instrument is being used by many different groups from different sections of society, including politicians, human rights groups, conservative organizations, economic foundations and broad alliances of non-governmental groups. However, as the concept of the European Citizens' Initiative is still new, and as the culture and practice of initiative is as yet weakly developed in many European countries, several initiatives are still calling their attempt to gather one million signatures a "petition." Furthermore, the fact that the implementation regulation does not yet exist means that all kinds of ways of collecting signatures are being used, including the simple and hardly verifiable registration of names online. At the same time, it is clear that the Internet offers a unique transnational platform for launching and conducting such initiatives. Interestingly, most of the initiatives so far launched understand the need to publish their information in as many European languages as possible.

### **Recommendations for the development of a citizen-friendly European Initiative Infrastructure**

- 1) Strive to establish a directive for free & fair regulations when implementing a European Citizens' Initiative mechanism.
- 2) Offer basic informational and educational resources as well as advice to interested citizens across Europe.
- 3) Establish a dedicated opportunity structure for a transnational and responsible European Initiative Committee.
- 4) Design a multiphased European Citizens' Initiative mechanism with clearly defined time- and deadlines.
- 5) Enable and guarantee a free and verified signature gathering process.
- 6) Secure a proper transnational dimension in all Europe-wide Initiative processes.
- 7) Provide a comprehensive level of additional support and services for qualified European Citizens' Initiatives.
- 8) Establish a European Citizens' Office ("Electoral Management Body") as a focal point for all institutional activities linked to the European Citizens' Initiative.
- 9) Recommend Member States to provide additional support resources to European Citizens' Initiatives.
- 10) Ensure the supplementary and integratory functions of the European Citizens' Initiative mechanism within the balance of EU institutions.

This early but dynamic development of transnational direct-democratic practice offers many practical opportunities, both for academics and political practitioners, to test and assess the first steps towards transnational direct democracy. In the longer perspective, however, it will be essential to carefully establish a democratic infrastructure beyond the raw tool of the initiative. This will include some kind of European electoral management body to assist, test and follow up European Citizens' Initiatives, as well as implementing a comprehensive voter education program across the region.

## Conclusions

Over the last eight years, Europe has made its first steps towards a modern transnational democracy. The integration process offers a prime and unique case study of practical democratization beyond the nation-state—and hence a first view of what will be likely to happen in other contexts as well around the globe.

It will be critical to comprehensively research both the ‘transnational’ and the ‘direct’ turns, as they are increasingly interlinked. Existing theory building offers a rather broad framework of assessment tools for democracy in a transnational context. It includes both institutional-technocratic as well as non-institutional approaches. But existing theories do not at all—or at best only weakly—take into account the growing importance of modern direct-democratic processes. As has been shown, such tools are under well-designed and citizen-friendly circumstances—delivering exactly what a quasi-transnational polity such as the EU is most lacking today: an intense dialogue between institutions and citizens, a feeling of ownership of EU politics by the voters, and a solid legitimacy for the decisions made at EU level. It is more than worthwhile to take into account all the main aspects and actors identified under the proposed perspectives, as (together) they offer a comprehensive mirror of what is going on. Have said that, aspects and patterns of transnational direct democracy must be embedded in issues such as basic human and civic rights, the rule of law, regional and possibly overlapping transnational entities, manifold levels of autonomy, as well as the structures for and assistance to deliberative processes beyond national borders.

What a theory of modern transnational democracy will not be able to deliver, however, is a blueprint for a radical, partisan or ideological agenda such as is foreseen, for example, by proponents of a radical pluralist approach. The instrumentalization of political institutions is sometimes legitimate and sometimes not. It is naturally permitted and necessary to use the existing tools and instruments of democracy for a certain agenda, e.g. to influence a decision-making process in a specific, special-interest direction. What is, however, not legitimate is to design an institution of political democracy as an instrument for reaching a certain policy goal or position of power. There is, in fact, a long history of trying to adapt electoral institutions to a specific agenda of one party or person. This is true both for traditional electoral processes as well as for initiative and referendum processes. Within the field of direct democracy we are aware of both participatory devices without any decision-making powers as well as plebiscites—popular votes initiated and controlled by a majority in the legislative or within the executive branch. This is a basic lesson from the sub-transnational experience and there is an obvious risk that actors will try to instrumentalize direct democracy beyond the nation-states.

For the transnational level—in our case Europe—it will therefore be of the greatest importance to design procedures of direct democracy which are as robust and accessible as possible. This includes a wide range of supportive elements, ensuring the fairness and equality of the instruments, and a very restrictive use of special majority requirements, which should mainly be about the necessary respect for national differences and autonomy. In contrast to local and national levels, where a broad set of direct-democratic instruments are known and (often mis-) used, the European level

should start with a very limited set of initiative and referendum instruments, including the proposed agenda initiative as well as the mandatory constitutional referendum, bringing in the people from the very beginning of the process.

Regarding the ongoing European constitution-making process, the big challenge ahead is to both deliver and to make it as democratic as possible. To begin with, it will be necessary to further reform the Reform Treaty into a very short and concise text, which would include the most important parts of sections I. (institutions and democracy) and II. (charter of basic rights). In addition, a new constitutional treaty should include a constitution-making clause (in section III, formerly IV), which would introduce the direct election of a new constitutional convention, as well as instituting a continuous dialogue between the drafters and the citizens.

In early 2008, there seems to be little evidence that the hope of some euroskeptic politicians and activists of simply scrapping the constitutional treaty will ever be realized. The question is much less WHETHER the transnational direct turn in Europe will take place or not, but HOW this new transnational constitution is to be designed and used. Exactly the same is true for the old hope of party politicians and other elite-oriented actors to just skip the introduction and use of the initiative and referendum tool. Wherever one has had a popular vote on a certain issue, there is a strong argument for revisiting the vote – by popular vote again. In this sense, any new European Treaty will face the referendum challenge again and again. One way to limit the challenge will be to both democratize the constitution-making process itself and to include in it accessible, citizen-friendly and non-antagonistic instruments of participatory and direct democracy.

The new ‘European approach’ will bring transnational democracy forward – but it will not be possible to do this without active citizens who are prepared to give of their time to become actively involved in the future of the European Union.

ENRIQUE BANÚS

## **Intercultural Dialogue: A Challenge for the European Union at the Beginning of the 21<sup>st</sup> Century**

### **Is Intercultural Dialogue really so new?**

“I do like the European Union” – the mayor of a small village near Pamplona said recently to me. She added: “It’s better to eat together than to fight.” It is probably a not very academic description of the effects of European integration, but it probably touches – in a popular expression – its core. Coming together instead of confrontation – this could indeed be ultimately the visible aspect of the Rome Treaties, the common market, the Schengen agreement and all the deliberations and negotiations in the Summits, the Council, the Commission, the Parliament and between all these institutions with their Committees, first, second and third lectures, Conciliation Committee and so on. Negotiation instead of confrontation – to create forever this dynamic was probably the intention of the Communities’ astute ‘founding fathers.’

But what does it mean: negotiation? It means dialogue. And a dialogue of interlocutors who have different starting points and different goals they want to achieve through the negotiation. Thus, there are economic and political differences. But this affects not only the economic or political level.

Over the last decades experts have recognised that commercial life is surrounded by culture, that culture has considerable relevance for success or failure not only for political negotiations<sup>1</sup> but also for business negotiations. But – one could argue – there is no problem in the European Union: is it not already officially recognised, by mentioning it in the EC-Treaty, that there is a “common cultural heritage” (see art. 151)? Indeed, this common cultural ground is mentioned in an article which insists again and again on diversity as one of the founding pillars of the European self-consciousness: ‘United in diversity,’ this should be the Union’s motto in case the Constitutional Treaty were approved. Taking this seriously, the conclusion is that the European Union itself is based on intercultural dialogue: it is a system of never-ending negotiations among partners (and, at the same time, competitors) having different cultural backgrounds.

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<sup>1</sup> See as an impressive example Raymond Cohen’s research on the conflict between Egypt and Israel; according to him, the main problem for solving it were not “irreconcilable interests, megalomaniac ambitions, still less oaring ideals,” but “a cultural chasm” (R. Cohen, *Culture and Conflict in Egyptian-Israeli Relations: A Dialogue of the Deaf*, Indiana University Press, Bloomington 1990, p. 1).

When the Union now is ready to intensify Intercultural Dialogue also in its external relations, it has to be borne in mind that Intercultural Dialogue is part of the Union's life since its beginnings, part of a story which I would dare to call a success story – with all the necessary limitations and nuances.

With this instrument, the European integration has inverted not only Europe's 'Re-alpolitik' to make war – based also on abject pseudo-intellectual elaborations to consider war the continuation of politics with other means (see Clausewitz's successful sentence) or (for those loving antique references) to be ready for war if you love peace (remembering the not less famous anonymous Roman sentence). European integration has inverted not only centuries of European history, but also hundreds of European stories in the collective minds, in which the other (or better: the image of the other, its stereotype) became the necessary contrast to one's own collective identity, in an attitude in which 'contrast' easily could develop into a 'threat.'

Intercultural Dialogue in Europe is therefore a success story, the story of a part of the world in which at long last several generations have no personal experience of war, have not suffered war and post-war situations or different kinds of oppression.

### **2008 – a European Dialogue Odyssey**

2008 will be the European Union Year of Intercultural Dialogue. Everyone will speak about it, dozens of events will be organised. So it is imperative to speak this year about intercultural dialogue, when we may be still open and receptive. The expectancies are high: Intercultural Dialogue – all the following quotations are taken from the Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue<sup>2</sup> – will allow citizens to participate "in a diverse, pluralist, solidarity-based and dynamic society," it will "strengthen respect for cultural diversity and deal with the complex reality in our societies and the coexistence of different cultural identities and beliefs," it is considered "essential for learning to live together in harmony," it encourages "active European citizenship open to the world and based on the common values in the EU," it contributes "to ensuring equal opportunities and non-discrimination within the EU," it stimulates "the cultural and creative economy in the EU, which generates growth and creates jobs," it enables "the EU to make its voice better heard in the world (...), extending a zone of stability, democracy and common prosperity beyond the EU, and thereby increasing the well-being and security of European citizens and all those living in the EU."

Reading all these sentences included in the motivation for establishing this special year one could get the impression that Intercultural Dialogue is considered as a panacea for the undoubtedly complex situation in which we are living.

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<sup>2</sup> Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the European Year of Intercultural Dialogue (2008), in "Official Journal" L 412, 30/12/2006, pp. 0044–0050.

The enthusiasm for Intercultural Dialogue is shared by international organisations like UNESCO<sup>3</sup> or the Council of Europe,<sup>4</sup> the Organisation of American States,<sup>5</sup> the Latin American countries,<sup>6</sup> the African Union,<sup>7</sup> the Commonwealth,<sup>8</sup> the Organisation for Security and Cooperation in Europe (OSCE),<sup>9</sup> including Russia,<sup>10</sup> The Arab League,<sup>11</sup> also by the ASEM, the Asia Europe Meeting,<sup>12</sup> including the Chinese Government.<sup>13</sup> It seems that only the United State's government has not joined in this wave of enthusiasm.<sup>14</sup>

<sup>3</sup> In the website of the “International Association of Universities,” which is linked to UNESCO, it is said: “In an increasingly globalised and interdependent world, where encountering cultural difference can scarcely be avoided, the ability to enter into a tolerant and respectful dialogue is a vital skill for nations, communities, and individuals” (see: <http://www.unesco.org/iau/id/index.html>).

<sup>4</sup> For example, it sees a connection between intercultural dialogue and conflict prevention and “post-conflict social reconciliation” (see: [http://www.coe.int/t/e/cultural\\_co-operation/culture/ac-tion/DIALOGUE/](http://www.coe.int/t/e/cultural_co-operation/culture/ac-tion/DIALOGUE/)).

<sup>5</sup> It is significant that in the “Declaration of Cartagena de Indias” after the first Inter-American Meeting of Ministers of Culture the term ‘intercultural dialogue’ is not mentioned. The document is from the year 2002, and maybe at that time the expression was not so popular. But the document frequently uses the term ‘dialogue on cultural diversity’ and underlines that “this dialogue is fundamental to the recognition and respect for diverse cultures, (...) the eradication of all forms of discrimination including racism, (...) and to achieve full participation of all persons in the political, economic, social and cultural life of our countries” (see: [http://www.oas.org/consultaeduc/consulta\\_old/cult-declaracion-E.asp](http://www.oas.org/consultaeduc/consulta_old/cult-declaracion-E.asp)).

<sup>6</sup> The Preamble of the “Carta Cultural Iberoamericana,” adopted in November 2006 by 22 countries at the Montevideo-Summit underlines the proposal “de estimular la construcción de una cultura de paz, centrada en el intercambio, el diálogo intercultural y la cooperación” (see: <http://www.oei.es/xvicumbrecarta.htm>).

<sup>7</sup> The promotion of intercultural dialogue is one of the main objectives of the Charter for African Cultural Renaissance, which was adopted by the First Session of the African Union Conference of Ministers of Culture in December 2005 in Nairobi (see: <http://www.afriimap.org/newsarticle.php?id=705>).

<sup>8</sup> After the 2005 Commonwealth Heads of Government Meeting in Valetta, the official Final Communiqué acknowledges that they “commended the various initiatives to promote dialogue, tolerance and understanding among civilizations” (see: <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=147565>).

<sup>9</sup> See for example the Ministerial Council decision from December 2005 on Tolerance and Non Discrimination: Promoting Mutual Respect and Understanding (MC.DEC/10/05; see: [http://www.osce.org/documents/mcs/2005/12/17441\\_en.pdf](http://www.osce.org/documents/mcs/2005/12/17441_en.pdf)).

<sup>10</sup> In the Road Map on the Common Space of Research and Education, Including Cultural Aspects, approved on May 10, 2005 by the EU and the Russian Federation, one of the aims is to promote “intercultural dialogue and enhancing cooperation with partner neighbouring countries” (see: <http://www.kremlin.ru/eng/text/docs/88027.shtml>).

<sup>11</sup> The Arab League Educational Cultural and Scientific Organization was one of the organisers of the Seminar Cultural Diversity and Intercultural Dialogue for a EuroMediterranean Education, held in Barcelona (November 29–December 2, 2006).

<sup>12</sup> See: “The ASEM Declaration on Dialogue among Cultures and Civilization” adopted at the 5<sup>th</sup> ASEM Summit in Hanoi in 2004 (see the text in: [http://ec.europa.eu/comm/external\\_relations/asem/asem\\_summits/asem5/08\\_asem\\_decl\\_cult.pdf](http://ec.europa.eu/comm/external_relations/asem/asem_summits/asem5/08_asem_decl_cult.pdf)).

<sup>13</sup> At the 6<sup>th</sup> Asia-Europe Summit (Helsinki, 10–11 September 2006) Chinese Prime Minister Wen Jiabao declared “The ASEM Declaration on Dialogue among Cultures and Civilizations adopted at the 5<sup>th</sup> ASEM Summit is of guiding importance in promoting intercultural and interfaith dialogues” (see: [http://english.gov.cn/2006-09/11/content\\_384370.htm](http://english.gov.cn/2006-09/11/content_384370.htm)).

<sup>14</sup> Significantly, the search for ‘intercultural dialogue’ in the White House’s website had the result: “No results were found for your search.” Economic, Business, Banking, etc. dialogue are well-known there.

Nevertheless, looking at that panorama, one can agree with Commissioner Benita Ferrero-Waldner's words: "Intercultural dialogue is the defining issue of the decade."<sup>15</sup> Maybe the European Union is lagging behind in this question, because Pope John Paul II declared already in 1983, two decades before Ferrero-Waldner: "Intercultural dialogue is therefore a must for Christians in all countries."<sup>16</sup>

But among international institutions the European Union has had a pioneering function. The Year of Intercultural Dialogue is one step more along a way which has been reinforced considerably by Romano Prodi, connected mainly with the Euro-Mediterranean Policy, which was in fact one of the President's priorities. In the frame of a relatively grey Commission, under a President whose theoretical approaches were stronger than practical measures, the Euro-Mediterranean issue was one of the most coherent policies with practical results, although the European Union was also unable to contribute decisively to bring to an end the profound and long-lasting conflicts in this area; we are indeed far from transforming this region into "an area of shared prosperity and conviviality between our peoples, cultures and civilizations; a zone of common values, where we can disagree in a civilized way and listen to the other with respect for the differences, images and stories of the other."<sup>17</sup>

All the quoted declarations on Intercultural Dialogue are very positive, sometimes even marked with strong rhetoric. Comparing them with the real world, a certain distance can emerge, certain scepticism or, at least, realism, taking into account that nowadays there are many open conflicts – in January 2007 an independent organisation "International Crisis Group" listed "some 70 situations of current or potential conflict,"<sup>18</sup> so that an optimistic view could be deconstructed as a lack of information. But it is undoubtedly a sign of hope when a political climate is arising in which dialogue plays a major role. In a certain sense it is as if Pope John Paul II's desire could be realised "to be purified of all hostility, selfishness and partisanship, and to favour at all times mutual dialogue and respect."<sup>19</sup> But the conviction that more dialogue can make the world better can be based not only in this Christian vision but also in the experience of European integration, in which not only violent conflicts have been avoided, but also the quoted change of paradigm could be realised.

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<sup>15</sup> The statement before attending the Arab League Summit in Khartoum on 28 March 2006 (see: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/378&format=HTML&aged=0&language=EN&guiLanguage=en>).

<sup>16</sup> John Paul II, *Discourse to the Plenary Assembly of the Pontifical Council for Culture*, 18 January 1983, in: [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/1996/documents/hf\\_jp-ii\\_spe\\_18011983\\_address-to-pc-culture\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/speeches/1996/documents/hf_jp-ii_spe_18011983_address-to-pc-culture_en.html).

<sup>17</sup> L. Bekemans, *Globalisation and Culture: Reflections and perspectives in the Euro-Mediterranean framework*, presentation at "Colloque: Cultures, Religions and Conflicts (Lebanon, 19–21 September 2002)", pro manuscripto.

<sup>18</sup> "CrisisWatch" No. 41, 1 January 2007, in: [http://www.crisisgroup.org/library/documents/crisis-watch/cw\\_2007/cw41.pdf](http://www.crisisgroup.org/library/documents/crisis-watch/cw_2007/cw41.pdf).

<sup>19</sup> John Paul II, Apostolic Exhortation *Ecclesia in Europa*, 28 June 2003, no. 105, in: [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_20030628\\_ecclesia-in-europa\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa_en.html).

### Some concerns about Intercultural Dialogue

No doubt: “Intercultural dialogue is intimately linked to the fundamental ambition underlying the construction of Europe, namely to bring together the peoples of Europe” – argues the European Commission in its proposal for the establishment of the “European Year of Intercultural Dialogue.”<sup>20</sup> It can and will contribute to dismantling prejudices, to establishing bridges, to discovering spaces of commonality. Nevertheless, when reflecting on the concept of Intercultural Dialogue some concerns appear which are a challenge to the academia and a claim for an intellectual debate this year, although sometimes the practitioners of Intercultural Dialogue are convinced that praxis is the only relevant factor and that theoretical reflection only results in complications. Months ago, I was participating in a Conference on intercultural dialogue in a city on the southern Mediterranean rim which has been extremely relevant for cultural history. The Conference was organised by the European Commission in co-operation with the Ministry of Culture of the country. In a round table session, after my intervention, a high civil servant of the Culture Ministry of that country asked whether it really is necessary to enter into these complex theoretical reflections on the difficulties of dialogue. In his mind, all that mattered was to do things, to establish measures, programs, projects, to look at “best practices” (a concept which is very popular now).

In the face of this view I have defended (and continue to defend) the need for intellectual elaboration of the fundaments, the challenges and the problems of Intercultural Dialogue. It is not only a question of maintaining jobs for academicians and intellectuals, but to avoid incoherence and also avoidable errors, which are inherent to the method of “trial and error”. This is in no case a depiction of the practical wisdom of so many practitioners; a constructive dialogue with them is enriching and needed.

### These are some concerns I feel in that context

Intercultural Dialogue is a vogue; the idea to foster it appears not only in the context of the quoted international organisations, but in documents by such different entities as the Catalan Police, which states that we “must overcome reticence against intercultural dialogue and any kind of mistrust must disappear,”<sup>21</sup> a blog praising the qualities of the coca as a part of the “Andean cosmovision,”<sup>22</sup> an article analysing “two dialogues between an anthropologist and alpaca shepherds of the Ausangate mountains,” as a contribution to

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<sup>20</sup> *Proposal for a Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue (2008) (presented by the Commission)* Document {SEC(2005) 1202}, in: [http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0467en\\_01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0467en_01.pdf).

<sup>21</sup> M. D’Escudra, *Interreligious and Intercultural Dialogue Congress, Bilbao-2005*, in: <http://www.icii-bilbao.org/MossosdEscudra.htm>.

<sup>22</sup> It states that coca creates “spaces for intercultural dialogue, among all the different components, the ethnical and the social ones, of Bolivia; Coca for an international dialogue” (<http://www.khukita.blogspot.com/>).

the “constitution of real spaces of intercultural dialogue”<sup>23</sup> – to quote only a few examples. Sometimes one can have the impression – as it was put in a possibly malicious sentence in a serious web from Hungary – “The intercultural dialogue machinery has been set in motion.”<sup>24</sup> This is not really problematic: it shows that the idea has reached society and is on the way to capillary success. But it can also contribute to devaluing the concept.

More problematic is the fact that also Russia and China are signing declarations on the need to intensify intercultural dialogue, whereas it is well-known that these countries do not always respect human rights. Are they willing to establish this dialogue also inside, where, for example, in Russia religious groups are discriminated against and in China persecuted,<sup>25</sup> whilst China’s Prime Minister encourages expressly in the quoted text to inter-faith dialogue. Is it coherent that Turkey is one of the leaders of the idea of an “Alliance of Civilisations,” when on the other side the most recent Report of the European Commission establishes – in November 2006 – that the advances in respect of some human rights have been very small in the last year?<sup>26</sup> This really devalues the honesty of the project and is probably one more sign of the hypocrisy of foreign policies sometimes, although from the point of view of “Realpolitik” it is preferable that these countries’ governments are at least open to debate on these issues.

The third concern has to do with the risk that such kinds of International or European Years can end in a succession of special events organised or encouraged by international organisations, Governments or civil society bodies, sometimes by private institutions needing to get funds. But, living in societies in which encounters crossing the cultural frontiers are part of daily life, how can it be assured that the numerous intercultural encounters end in dialogues, overcoming prejudices, distances and fears? If the citizens are unwilling or unable to transform encounters into dialogues, all the institutional efforts will have a limited effect. In fact, in many countries the citizens have intercultural experiences without leaving their city, often also their quarter. At school, in the supermarket, in the public transports, in their jobs citizens are encountering other citizens with a different cultural background, with whom they share their hopes and fears, interests and preoccupations (often related to work or to local issues), but with whom they maybe don’t share certain values and attitudes.<sup>27</sup>

<sup>23</sup> X. R. Lanata, ‘*El irracional es el otro. Los mecanismos de la interpretación en Antropología*, “Anthropologica”, vol. 23, no. 23, Lima, December 2005, [http://www.scielo.org.pe/scielo.php?script=sci\\_arttext&pid=S0254-92122005000100001&lng=es&nrm=iso](http://www.scielo.org.pe/scielo.php?script=sci_arttext&pid=S0254-92122005000100001&lng=es&nrm=iso).

<sup>24</sup> The Budapest Observatory: Memo July 2006; <http://www.budobs.org/news/memo/memo-july-2006.html>; accessed 27.6.2006.

<sup>25</sup> See: *Rapporto 2006 sulla libertà religiosa nel mondo*, Aiuto alla Chiesa che Soffre, Roma 2006.

<sup>26</sup> In the last Commission Report on enlargement it is said about Turkey: “It is necessary to ensure freedom of expression without delay by repealing or amending Article 301 of the Penal Code and by overall bringing the legislation into line with European standards. Apart from the freedom of expression, further efforts are needed to strengthen freedom of religion, women’s rights, minority rights and trade union rights. Civilian democratic control over the military needs to be asserted, and law enforcement and judicial practice further aligned with the spirit of the reforms. At the same time, there is a need (...) to ensure full enjoyment of rights and freedoms by the Kurdish population” (*Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2006–2007* (Document COM(2006) 649 final, from 8.11.2006, p. 11).

<sup>27</sup> The idea to consider that culture does include also the values and attitudes is old. It was probably Edward B. Tylor who has made it popular when defining culture as “that complex whole which in-

In the same argumentative line another preoccupation arises: normally, only those States, political parties, social groups, and individuals which have a positive attitude towards dialogue, which are convinced that dialogue is useful and necessary participate in organised intercultural dialogue. Closed societies, groups marked by fears or hate, by the sentiment of superiority or the disdain of others will not be open for dialogue. They will not participate in any kind of organised dialogue and the daily-life-encounters – if they exist – will only confirm the prejudices, in a kind of “circulus vitiosus.”<sup>28</sup> Only if the other participants in these daily-life-encounters are able to establish bridges, to dismantle walls, to create nearness thanks to their capacity for empathy, only then perhaps a dialogue can be established – and this only if we are able to create also the appropriate environment: inclusive cities, inclusive workplaces, in total, an inclusive world, avoiding marginalisation and ‘ghettoisation.’

When underlining the relevance of the day-by-day intercultural encounter, it comes automatically that also the relevance of education is brought to the fore. Yes, only education can prepare for the difficult balance between high appreciation of one’s own values, one’s own culture and openness to ‘difference,’ to ‘others’ values, ‘others’ culture, a balance which is based on Intercultural Dialogue. Only education can help to find the path between intolerance and cultural relativism, the path which opens the space for a sincere intercultural dialogue.<sup>29</sup>

### The structure of dialogue

In Saint Exupéry’s surprising novel *Le Petit Prince* the fox gives advice to the little prince, who is willing to establish a dialogue: “First you will sit down at a little distance from me (...), and you will say nothing. Words are the source of misunderstandings.”<sup>30</sup> The fox knows some essential points about dialogue: for example, that language – which is one of the most relevant elements to it – is able to bring together, but also to divide and to create distance. In language a world-view is also expressed,<sup>31</sup> prejudices

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cludes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society” (E. B. Tylor, *Primitive Culture: researches into the development of mythology, philosophy, religion, art, and custom*, London 1871, p. 1).

<sup>28</sup> Ernst Gombrich impressively described this possibility when he commented: “Was man den hermeneutischen Zirkel genannt hat, die Suche nach Erhartung der ursprnglichen Intuition, wird dort, wo nur vermeintliche Besttigungen gelten drfen, zu einem ganz gewhnlichen Zirkelschlu” (E. Gombrich, “Sind eben alles Menschen gewesen.” Zum Kulturrelativismus in den Geisteswissenschaften, [in:] *Akten des VII. Internationalen Germanisten-Kongresses*, ed. by A. Schne, vol. I, Tbingen 1986, p. 22).

<sup>29</sup> The “Treaty establishing a Constitution for Europe” includes for the first time an article on values: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

<sup>30</sup> A. de Saint-Exup  ry, *The little Prince*, translated by K. Woods, chapter 21 (in <http://www.angelfire.com/hi/littleprince/>).

<sup>31</sup> Wilhelm von Humboldt is considered the founding father (or, at least, the ‘authority’) in this view of the language. In *Agamemnon* he wrote: “Ein Wort ist so wenig ein Zeichen eines Begriffs,

live in the language. Therefore, language can – also arising from the good will to establish communication – be a source of misunderstandings. For literary texts it is commonplace to describe them as ‘open messages,’ that allow different interpretations.<sup>32</sup> This theory can probably also be applied to other forms of human communication. Only empathy or knowledge of ‘the others’ culture together with good will can overcome these difficulties, together also – as suggested in *Le Petit Prince* – with the disposition to listen patiently and to discover in this way what elements are common and what others are different. In fact, in entire different discourses one is able to discover that – as Goethe said – “alles Menschen gewesen” sind.<sup>33</sup> In diversity, good will discovers the occasion not for confrontation but for the fascinating adventure of seeking together – precisely through dialogue – for the truth. This perspective is sometimes disturbing in the context of Intercultural Dialogue, in which the goal seems to be tolerance or – a step further – mutual respect. Animadversion in front of the imposition of someone’s values and convictions – often identified with Eurocentric attitudes of former times<sup>34</sup> – has probably caused an aversion to dialogue which goes further than the quoted tolerance or respect.

But to convince and to be convinced, to transform and to be transformed is in the end the noblest sense of dialogue in the tradition of Plato, of the Medieval University with its *quaestiones disputatae*, of Thomas More’s *Utopia*, in the best tradition of the European heritage. The post-modern environment with the conviction of only fragmented knowledge of a world of ‘simulacres’ and with the suspicion that behind all discourse there are only strategies of power, this environment totally contradicts the proposed *telos* for a dialogue. But if we want to guarantee that dialogue among cultures also contributes to the spread of human rights and democratic values, we have to be coherent and to sustain that there are true and false visions of the dignity of the human being, and that there is for this reason a possibility to recognise what human dignity means. In that sense it is remarkable that in the document with which the Year of Intercultural Dialogue is established on the level of the European Union, the link between this dialogue and the founding values of the Communities is firmly established.

Elevators are spaces of dialogue on a minimal level, very often only about the weather. But sometimes this short time gives an opportunity for more relevant dia-

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dass ja der Begriff ohne dasselbe nicht entstehen, geschweige denn fest gehalten werden kann; das unbestimmte Wirken der Denkkraft zieht sich in ein Wort zusammen, wie leichte Gewölke am heiteren Himmel entstehen.”

<sup>32</sup> See mainly R. Ingarden, *Das literarische Kunstwerk: Eine Untersuchung aus dem Grenzgebiet des Ontologie, Logik und Literaturwissenschaft*, Niemeyer, Halle 1931 and W. Iser, *Die Appellstruktur der Texte. Unbestimmtheit als Wirkungsbedingung literarischer Prosa*, Konstanz 1970.

<sup>33</sup> “Was hat dich nur von uns entfernt?” / Hab’ immer den Plutarch gelesen. / “Was hast du denn dabei gelernt?” / Sind eben alles Menschen gewesen. (J. W. von Goethe: *Zahme Xenien*). Ernst Gombrich wrote an excellent comment of this poem in the quoted article.

<sup>34</sup> The words of King Leopold II of Belgium in reference to Africa before the Conférence Géographique Africaine, in 1896, are a shameful exemple of this ‘Eurocentrism’: “Le sujet qui nous réunir aujourd’hui est de ces qui méritent au premier chef d’occuper les amis de l’humanité. Ouvrir à la civilisation le seule partie du globe où elle n’a pas encore pénétré, percer les ténèbres, qui enveloppent des populations entières, c’est si j’ose le dire, une croisade digne de ce siècle de progrès” (quoted in Araceli García, *Notas*, [in:] J. Conrad, *El corazón de las tinieblas*, Alianza, Madrid 1976, p. 132).

logues. I was once spectator of the following scene: *dramatis personae*: a grandmother with one of her granddaughters, 7–8 years old; a gentleman in his 60s who is well-known for his attitude: wise, full of comprehension, chatty and firm in his democratic and humanistic values. The grandmother said to her grand-daughter: "If all people were like this gentleman here, we would have fewer wars in the world." The Year of Intercultural Dialogue will be a fascinating challenge, not only for practitioners, but also for the intellectual and academic world. This fascination is grounded in the challenge not only to organise events and to spend money, but to involve the society (not only the so-called civil society), to transform the squares, the workplaces, the elevators into spaces of encounter, of dialogue, of respect.

Is this utopian? A peaceful Europe seemed utopian a few generations ago. European integration seemed sometimes utopian. The end of European division after World War II, the end of a world without freedom and human rights for millions of Europeans seemed sometimes utopian. Jorge Luis Borges has said a gentleman should fight only for lost causes – because (apparently) lost causes have been responsible for the most human transformations in Europe in the 20<sup>th</sup> century.



JAROSŁAW JAŃCZAK

## **Europeanization of Trans-border Communities. The Polish-German Case<sup>1</sup>**

### **1. Introduction**

The Polish–German border used to be one of the most problematic in Europe.<sup>2</sup> 19<sup>th</sup> century hostility caused by the partitions of Poland was supplemented by post World War I territorial changes and then in 1945, when the Yalta and Potsdam Conferences established the Oder–Neisse frontier. These agreements were followed by the expulsion of the German population from the newly established Polish territories and the resettlement of Polish inhabitants from pre-war eastern provinces to the new Polish–German borderland. For fifty years, during the communist period, the new border was not only a political problem, but also a social one. First, border communities were physically isolated from each other. Second – because of their different origins – these communities lacked political, social, cultural and economic proximity. This resulted not only in a lack of mutual understanding, but also in the strengthening of stereotypes and prejudices among neighboring Poles and Germans. Third, the region they were inhabiting had been artificially divided, with the new border splitting coherent settlements and towns in two. Finally, coexistence under communist circumstances limited the possibilities of cross border civil society building, based on regional identification. The collapse of the Berlin Wall in Germany and the Round Table Agreement in Poland led to the difficult process of reconciliation and border normalization not only between Germany and Poland, but also between local border communities.<sup>3</sup> However, for many years this process was initiated and conducted at official level, while both Polish and German societies at large were excluded.

This paper's aim is to analyze cross-border civil society building processes in the Polish–German borderland. The main research question addressed here is whether these processes have already created in the Polish–German borderland a single cross-border regional community or simply two communities, one Polish and one German, that exist side by side. Two parallel processes might be observed there: internal democratization including civil society building, as well as cross border cooperation attempts aimed at the same. Both are catalyzed by European integration process and its consequences.

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<sup>1</sup> This paper presents fragments of a Border Communities research project. Wider presentation of its results will be available in 2008 in the printed version.

<sup>2</sup> H. Schulz, *Schwierige Nachbarschaft an Oder und Neiße – Trudne sąsiadztwo nad Odrą i Nysą*, [in:] *Granica-Grenze*, B. Breysach, A. Paszek, A. Tölle (eds.), Berlin 2003.

<sup>3</sup> A. Adamczyk, *Uwarunkowania i perspektywy pojednania polsko-niemieckiego po 1989 roku*, Poznań 1999.

The central theses of this paper are: first, that the most resilient and the fastest developing part of civil society on both sides of the border are non-governmental organizations (NGOs). The conditions under which these NGOs operate are different in both countries from financial, legal and organizational perspectives. This results in different patterns of societal participation in NGOs throughout Poland and Germany. These differences do not prevent NGOs from cross-border attempts at cooperation, neither does historical heritage.

Second, that cross-border cooperation of NGOs, as the most active part of both societies, is a consequence of the Europeanization of trans-border realities.<sup>4</sup> It is the Europeanization process that initiates, modifies and defines directions of trans-border community creation. NGOs are the torchbearers of this phenomenon.

Third, Europeanization of trans-border communities is most visible in the case of Polish-German border in border “divided cities.”<sup>5</sup> Due to their spatial nearness they work as “laboratories of European integration”<sup>6</sup> where specific phenomena – especially related to the integration process – are much more apparent.

This paper consists of theoretical considerations supported by empirical research in one of the ‘divided cities’ – Słubice-Frankfurt (Oder). The research was conducted in 2005 and 2006 and was divided into two parts. The first was quantitative and consisted of a questionnaire-based investigation. Non-governmental organizations from both Frankfurt (Oder) and Słubice (33 and 19 respectively – in practice most of the active organizations in both towns) were examined. All the data presented are statistically relevant. The second, qualitative, part of the empirical research aimed at explaining the results of statistical investigation through interviews with NGO representatives. Ten interviews in total were carried out.

## 2. Europeanization

Traditionally defined borders are first of all obstacles, sovereignty markers and supervising tools. They “(...) are a means of control involving the use of bounded geographical spaces (...). Territoriality ‘classifies, communicates and controls’ by drawing borders, assigning things to particular spaces, and regulating cross-border movements and access into and/or out of specified areas.”<sup>7</sup> As a result of European integration processes this meaning has been supplemented or even replaced by a new one, where bor-

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<sup>4</sup> A. D. Asher, *A Paradise on the Oder? Ethnicity, Europeanization, and the EU referendum in a Polish-German border city*, “City and Society,” vol. 17, Issue 1.

<sup>5</sup> A. D. Asher, J. Jańczak, *Transnational Mythmaking in Post-Soviet Europe: Cold War and EU Monuments in a Polish – German ‘Divided City,’* [in:] *Art and Politics*, Kaunas 2007 (in print preparation).

<sup>6</sup> D. Jajesniak-Quast, H. Schulz, K. Stokłosa, *Twin Towns on the Border as Laboratories of European Integration*, F.I.T. Diskussionspapiere 04/2002; R. Zaiotti, *Bridging Common Sense: Pragmatic Metaphors And The Schengen Laboratory*, [in:] *Metaphors Of Globalization Mirrors, Magicians, and Mutinies*, M. Kornprobst, V. Pouliot, N. Shah, R. Zaiotti (eds.), Palgrave 2007.

<sup>7</sup> J. Anderson, L. O'Dowd, T. M. Wilson, *Why Study Borders Now?*, [in:] *New Borders for a changing Europe. Cross-border Cooperation and Governance*, J. Anderson, L. O'Dowd, T. M. Wilson (eds.), London–Portland 2003, pp. 6–7.

ders are no longer to delimit but above all to bridge states, communities, systems and individuals. This process, that was meant to lead to a “borderless world”<sup>8</sup> and a “Europe without frontiers,”<sup>9</sup> was initiated in the western part of the continent.<sup>10</sup> It was an outcome of the process of creating a single market and full implementation of free flow of capital, services, persons and goods,<sup>11</sup> leading to the 1984 Saarbrücken Agreement and achieved in the 1985 and 1990 Schengen Agreements. Borders and territoriality were no longer exclusive national competences,<sup>12</sup> also because of the new forms of international threats.<sup>13</sup>

This new border situation was confronted with the collapse of communism and the attempts at EU accession of Central and Eastern European states. Being unstable, affected by different economic and political problems and additionally – in some cases – historically conflicted, they created a big challenge for Old Europe.<sup>14</sup> From the point of view of borders and border communities, to enable the integration process and disappearance of limits in the longer perspective, similar solutions to the standard Western European ones had to be introduced on the borders of Central and Eastern European states. This meant opening the borders, facilitating the free flow of individuals and then creating links between the two previously isolated and alien communities to lead to a conflict-free coexistence, a community of interests and finally (potentially) to a new regional identity (or identities). This project was intended to follow the logic of the phenomenon of Europeanization based on a social constructivist approach.

According to social constructivism “norms may influence the behavior of political actors,”<sup>15</sup> so they may be crucial for the creation of patterns of behavior.<sup>16</sup> From that perspective, the European integration process is “the creation of common rules (...) or even beliefs (...) that influences the activity of different actors.”<sup>17</sup> Integration is then

<sup>8</sup> J. A. Agnew, *A World That Knows No Boundaries? The Geopolitics of Globalization and the Myth of a Borderless World*, CIBR Working Papers in Border Studies, WP03-2.

<sup>9</sup> Ibid.

<sup>10</sup> The border softening process was also observable in Northern Europe. Nordic Passport Union was proposed in 1928 and for the second time implemented in 1957. Cf.: A. Patek, *Współpraca Państw Nordyckich w okresie międzywojennym*, Zeszyty Naukowe Uniwersytetu Jagiellońskiego MCLXXVII – 1995; J. Nowiak, *Współpraca Nordycka. Wzór dobrej polityki*, Poznań 2001.

<sup>11</sup> L. O'Dowd, *The Changing Significance of European Borders*, [in:] *New Borders for a changing Europe. Cross-border Cooperation and Governance*, J. Anderson, L. O'Dowd, T. M. Wilson (eds.), London–Portland 2003, p. 20.

<sup>12</sup> K. Hayward, *From Barriers to Bridges: The Europeanization of Ireland's Borders*, CIBR Working Papers in Border Studies, CIBR/WP04-1, p. 6.

<sup>13</sup> J. Jańczak, *Counter-terrorism and borders in the European Union. Tendencies, strategies and reactions in border protection area on changing security threats in Europe*, [in:] *The Modern Terrorism and its Forms*, S. Wojciechowski (ed.), Poznań 2007, p. 268.

<sup>14</sup> J. Jańczak, *Wschodnia granica Unii Europejskiej – nowe funkcje granic w Europie Środkowej – Die Ostgrenze der Europäischen Union – neue Funktionen der Grenzen in Mitteleuropa*, [in:] *Granica-Grenze*, B. Breysach, A. Paszek, A. Tölle (eds.), Berlin 2003.

<sup>15</sup> M. Wilga, *Integracja europejska w konstruktywizmie*, “Przegląd Politologiczny” 2001, nr 1–2, p. 45.

<sup>16</sup> J. T. Checkel, *Constructivist approaches to European integration*, ARENA Working Paper, no. 6, Oslo 2006.

<sup>17</sup> M. Wilga, *Integracja europejska w konstruktywizmie...*, p. 45.

equivalent with socialization. Actors internalize norms and as a result see their own interests in a new way.<sup>18</sup>

As proposed by Roberta Ladrecha, Europeanization is “(...) a process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics became part of national politics and policy-making.”<sup>19</sup> Johan P. Olsen sees it as “changes in external territorial boundaries.”<sup>20</sup> Francois Bafoil and Timma Bechelta claim that Europeanization should be understood as a macroprocess that is not based on linear adaptation where norms and values are transferred from European to national level (as, say, in the misfit model<sup>21</sup>). In their opinion Europeanization “(...) affects all functional instances of the policy cycle. Not only the actors and institutions conform the EU level through social learning but also society and its individuals and their norms and values.”<sup>22</sup>

According to Katy Hayward, Europeanized space (territory) is defined in the European Union by ‘boundaries’ not by ‘borders.’ Europeanization, then, means unifying people, not necessarily territories.<sup>23</sup> As the post World War II territorial changes on the Polish-German borderland made it a contested space, (European) unification without border changes is possible only by the cooperation of people, organizations and institutions under the conditions of still existing cultural, historical, economic, and other differences and the diminishing importance of state borders.

### 3. Polish-German border

As a result of World War II territorial changes, the Oder-Neisse line was drawn, regardless of local ethnic conditions, but, unlike other ‘artificial’ borders, in this case the ethnic reality was adjusted to the political and legal decisions. The German population (including the German minority from pre-war Poland) escaped or was expelled<sup>24</sup> and the new Polish territories, officially referred to as “Regained Territories,”<sup>25</sup> were settled with Poles coming from the Polish eastern borderland, which had been ceded to the Soviet Union. The boundary between the nations has since 1946 been the equivalent of

<sup>18</sup> J. T. Checkel, *Social Construction and Integration*, ARENA Working Paper, no. 14, Oslo 1998; P. Cichocki, *Społeczny konstruktywizm a realna władza polityczna*, [in:] *Konstrukcja czy rekonstrukcja rzeczywistości? Dylematy społecznego zaangażowania*, M. Korczyński, P. Pluciński (eds.), Poznań 2006.

<sup>19</sup> R. Ladrech, *The Europeanization of Domestic Politics and Institutions: The Case of France*, “European Journal of Common Market Studies,” no. 1, pp. 69–88.

<sup>20</sup> J. P. Olsen, *The Many Faces of Europeanization*, ARENA Working Papers, 01/2.

<sup>21</sup> T. Risso, M. Cowles, J. Caporaso, *Europeanization and Domestic Change. Introduction*, [in:] *Transforming Europe. Europeanization and Domestic Change*, M. Cowles, J. Caporaso, T. Risso (eds.), London 2001.

<sup>22</sup> F. Bafoil, T. Bechelt, *Dimensions of Europeanization*, [in:] *Européanisation. D’Ouest en Est*, F. Bafoil, T. Bechelt (eds.), Paris 2007, p. 8.

<sup>23</sup> K. Hayward, *From Barriers to...*

<sup>24</sup> *Schwere Nachbarn? 300 Jahre deutsch-polnische Nachbarhaft/Trudni sąsiadzi? 300 lat polsko-niemieckiego sąsiedztwa*, W. Michalka, R. Schmook (eds.), Berlin 2007.

<sup>25</sup> P. Eberhardt, *Polska i jej granice. Z historii polskiej geografii politycznej*, Lublin 2004.

a boundary between states. The borderland population could then be described as “those who are members of the national majority in their states, and have no ethnic ties across the state’s borders.”<sup>26</sup> The German minority in Poland remained in the middle of the state, in the area of the old borderland. The Polish minority in Germany no longer existed because its areas of residence were now within the Polish state.

Due to the resettlement there was no former tradition of contact, i.e. no family or social links. Additionally, it was unlikely they could be established. Until 1950 the GDR and until 1970 the FRG did not recognize the new border. However, the border remained closed until 1971.<sup>27</sup> Its delayed opening was related to Polish fears of being flooded with revisionist oriented Germans. In the case of West Germany territorial claims were vivid even after the border treaty. The border was closed again in 1980 as a result of revolutionary anticommunist attitudes in Poland and their potentially dangerous influence on the GDR. As a result despite the official rhetoric of ‘borders of friendship’ and ‘peace loving’ neighbors, the Polish-German borderland was an area of uncertainty and temporality where the population was kept apart and had no chance to engage in contact, which had an effect on mutual cognition and acceptance.

The German population on the western bank of the Oder had no tradition of borderland coexistence with the Poles. The border used to be several hundred kilometers eastwards. The Polish settlers had this experience but it was the experience of the Polish-Ukrainian, Belorussian and Lithuanian neighborhood. The Poles, who had experienced Polish-German coexistence, were now living in the central parts of Poland.

Additionally, the period of real Communism was characterized by the predomination of the paradigm of ethnic and religious homogeneity in both Poland and Germany. Double or dispersed identity was not recognized. That was the result of historical heritage and fears of separatism and isolationism.

In the Cold War period the Polish-German borderland and relations between the two countries were presented as everlasting German hostility, i.e. “Drang nach Osten (longing for the East),” an aggression that started with the Polish baptism and Teutonic Order state establishment in Eastern Prussia and ended with Poland’s partition at the end of the eighteenth century, Second World War aggression and finally West Germany’s policy of territorial revisionism.<sup>28</sup> The Poles had to fight against constant German pressure and the 1945 border shift westwards was no more than the return of ancient Polish territories. Fifty years of anti-German socialization also justified the alliance with the ‘friendly’ Soviet Union, which in practice was the only guarantor of the new, imposed western borders. This was embodied in the educational system.

As a result of the collapse of communism and the European integration process in Central Europe, the concept of the ‘borderland’ reappeared in Polish social sciences at the beginning of the 1990s.<sup>29</sup> After border change and population replacement in 1945

<sup>26</sup> H. Donnan, T. M. Wilson, *Identity and Culture at Europe’s Frontiers*, [in:] *Who are the Europeans Now?*, E. Moxon-Browne (ed.), Ashgate, Aldershot 2004, p. 14.

<sup>27</sup> C. Trosiak, *Pogranicze polsko-niemieckie po drugiej wojnie światowej*, Poznań 1999.

<sup>28</sup> K. Zernack, *Niemcy-Polska: z dziejów trudnego dialogu historiograficznego*, Poznań 2006.

<sup>29</sup> K. Kociubiński, *Transfrontier Co-operation in Polish-German Borderland*, “Yearbook of Polish Foreign Policy” 2000.

the idea of the ‘border’ was emphasized. ‘Borderland,’ on the other hand, was reminiscent of the problem of Polish-German interwar relations,<sup>30</sup> which were characterized by territorial conflict as well as minority problems.<sup>31</sup> The reappearance of the concept of the borderland facilitated the possibility of trans-border cooperation.<sup>32</sup>

#### 4. Borders and borderlands – perspectives for cooperation

A borderland is often defined as an area between centers, as an area ‘in-between,’ in which both centers’ influence overlap. Centers are well defined, homogenous and closed, whereas borderlands are only outlined, heterogeneous and open. Additionally, individuals are confronted with ‘others’ and can compare similarities but primarily differences.<sup>33</sup> On the other hand, a border area might not contain any elements of borderland which are defined in that way. This is possible in the case of closed borders between states in conflict. Alienation, isolation and lack of mutual connections, as well as a lack of will for such contacts, may, alongside attempts to confirm the center’s rights to a specific territory, create quite the opposite process. The border area will have to be ‘center like’ by confirming its state affiliation and center orientation, where the foreign neighboring area neither influences the one under analysis nor is influenced by it. The main thesis of this article is that the Polish-German border area is in the process of moving from the second model to the first one, i.e. from ‘by each other’ to ‘with each other’ which follows the logic of the Europeanization of borders.

Jerzy Nikitorowicz, similarly to other attempts,<sup>34</sup> defines and describes borderland using four perspectives: geographical, cultural, interactive and personal. The geographical meaning of borderland may be described as a territory of coexistence between two groups and maybe of two types: contactive or transitional. Contactive means in practice their isolation, transitional is much a wider and more gentle change, where one of them is gradually replaced by the second.<sup>35</sup> Cultural borderland could be considered as a set of habits and rules that define the coexistence of different groups in territorial borderland. An established set of values and a resulting local identity is a mixture of two identities and cultures coming from the centers and might lead to biculturalism.<sup>36</sup> Interactional borderland can be reduced to interpersonal communication processes and leads from

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<sup>30</sup> U. H. Meinhof, D. Galasiński, *Reconfiguring East-West identities: cross-generational discourses in German and Polish border communities*, “Journal of Ethnic and Migration Studies” 2002, vol. 28, no. 1.

<sup>31</sup> C. Trosiak, *Pogranicze polsko-niemieckie...*, pp. 22, 27.

<sup>32</sup> K. Dascher, *The Cross-Border Region of Frankfurt (Oder)-Slubice: An Economic Perspective*, OECD Report, May 2003.

<sup>33</sup> J. Nikitrowicz, *Pogranicze, tożsamość, edukacja międzykulturowa*, Trans Humana, Białystok 1995, p. 11.

<sup>34</sup> S. Ossowski, *Zagadnienie więzi regionalnej i więzi narodowej na Śląsku Opolskim*, Warszawa 1967, p. 280; J. Chlebowczyk, *O prawie do bytu małych i młodych narodów*, [in:] *Kwestia narodowa i procesy narodowotwórcze we wschodniej Europie Środkowej w dobie kapitalizmu (od schyłku XVIII do początku XX w.)*, Warszawa–Kraków 1983.

<sup>35</sup> C. Trosiak, *Pogranicze polsko-niemieckie po drugiej wojnie światowej*, Poznań 1999.

<sup>36</sup> J. Nikitrowicz, *Pogranicze, tożsamość, edukacja...*, p. 12.

stereotypes and prejudices to mutual understanding and respect as well as the recognition of the similar needs and aims of both groups. Not only differences are visible but also community.<sup>37</sup> Finally the personal aspect of borderland is related to the state of consciousness whereby individuals extend their own territorially well-settled mental pattern, which is defined by the center, and gain the possibility of a comparative approach. Living in geographical borderland does not automatically imply living in a cultural, interactional or personal borderland,<sup>38</sup> especially if it is of the contactive type. As a result, two groups might live side by side but not with each other. That, added to closed borders and an official border isolation policy in the past, may be the reasons for the lack of real dialog and trans-border social ties, indifference and, finally, center orientation as well as hostility.

The Polish-German case objectively exists as a geographical component of the border in the form of a contactive borderland, cooperation and community building, which may be regarded from cultural, interactive and personal perspectives. In every case leading actors as well as the advancement of cooperation should be analyzed.

Table 1  
Cooperation perspectives in the Polish-German borderland

	Cultural	Interactive	Personal
Leading actors	public institutions	non-governmental organizations	individuals
Cooperation advancement	high	medium	low

**Source:** Author's concept.

Habits and laws are determined in the Polish-German borderland primarily by public sector institutions. Local governments, different agencies, agendas and public services and so on, have been cooperating relatively intensely since 1989 according to the top – bottom pattern. They have created the most visible rules and procedures in the borderland. They are also strongly influenced by the local borderland identity. It does not mean sharing any sense of a regional identity which is different from Polish or German identity, or any sense of belonging to a regional, ethnic or national group. It is rather a pragmatic way of mutual use of a geographical location as a negotiating argument in front of national and European authorities and institutions. Both present the centers with their own peripheral borderland uniqueness, they are ‘gates,’ ‘bridges,’ ‘cooperation and reconciliation pioneers,’ etc. As Robert Parkin says, recognition of this special status is the basis for effective benefit from being different to other provinces and cities, etc.<sup>39</sup>

Nevertheless, individuals are the main actors in the personal aspect of borderland. In this case the level of interaction is relatively limited. The possibility of changing mental patterns is somewhat restricted, due to the superficial character of interpersonal con-

<sup>37</sup> Ibid., p. 13.

<sup>38</sup> Ibid., p. 15.

<sup>39</sup> R. Parkin, *Regional Identities and Alliances in an Integrating Europe: A Challenge to the Nation State?*, University of Oxford, Oxford 1999, p. 5.

tacts. Poles and Germans interact mainly in the commercial context as customers or goods and services suppliers. Other contacts are very rare, with the exception of academic circles. As a result individuals usually have no social contacts and do not act in social contexts. The comparative perspective does not usually include mental patterns.

The gap between the cultural aspect of the borderland, which functions well institutionally, and the limited influence of personal perspective on individuals is filled by non-governmental organizations, which are visible as an interactive component. They seem to be the only subjects able to successfully implement the cooperation of public institutions and to engage individuals to participate in non-commercial Polish-German interaction. Polish and German NGOs, which concern themselves with different problematic areas, are able to talk and collaborate in order to set out and achieve common goals. Common goal setting only occurs within institutions supporting the cultural dimension in the borderland and is missing in the case of individuals when analyzing the personal aspect.

## 5. Non-Governmental Organizations in Poland and Germany

Non-governmental<sup>40</sup> organizations in the Polish-German<sup>41</sup> borderland in practice consist of two categories: trans-border organizations and specifically national organizations. The first intend to operate both in Poland and Germany by uniting Poles and Germans around common issues. The second act irrespective of the fact that the border exists but on the other hand often try to gain advantage from the fact the border is closed.

There are very few initiatives operating on both sides of the river. Those which have existed are organized according to one of the patterns: they are registered in one of the countries but in practice were established by groups of individuals from Poland and Germany. Additionally, they operate in practice in both states. The second possibility is the registration of two separate organizations with the same name: Polish in Poland, where the members are mainly Polish citizens, and German in Germany, where the members are mainly German citizens. In practice they operate as one organization. Double affiliation multiplies potential sources of financial support, as well as solves the problem of a partner organization from the second country, which is required by many institutional donors. In practice those organizations in the case of Ślubice/Frankfurt (Oder) are related to the universities and academic circles and operate in the area of culture and common historical heritage.

The problem of trans-border civil society building is related first of all to specifically national initiatives for two reasons: first of all they are usually local initiatives reflecting local needs, even if they are local branches of German, Polish or even world-wide organizations. They express problems that are relevant to the local communities, but which are disregarded or not actively being solved by local authorities. Secondly, they consist of local inhabitants, in contrast to the trans-border organizations (consisting mainly of students who usually came to both towns from other provinces).

<sup>40</sup> J. Leś, *Organizacje pozarządowe w Europie Środkowej i Wschodniej*, Toruń 1999.

<sup>41</sup> M. Kurzwelly, *NGOs w Niemczech*, [in:] *NGO Slubfurt project*, collective publication, Ślubice 2005.

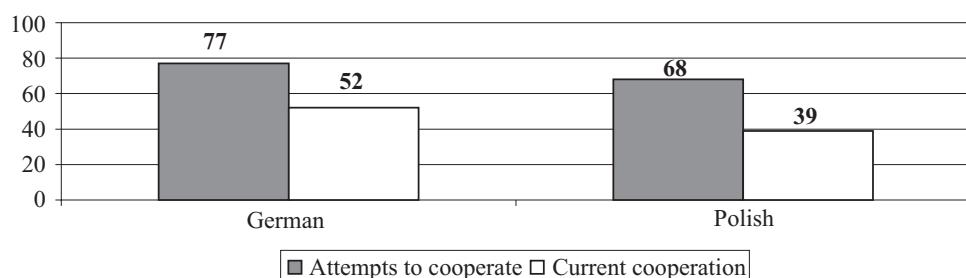
The mobility of the population on both sides of the river is relatively low. The majority of the cities' inhabitants have close family links to the area.

NGOs are usually formed to solve specific problems which have been noticed by one of the two communities and are internally oriented. As a result their fields of interest quite often double. This creates the situation in which the foreign partner is available in part of the city located on the other side of the border.

## 6. Empirical findings

The vast majority (77% of examined German NGOs and 68% of the Polish ones) of organizations in the divided city declared that they have tried to cooperate with their partner from the other side of the river, in the case of 52% of organizations from Frankfurt (Oder) and 39% from Ślubice this resulted in ongoing cooperation (Graph 1). This shows that in – for many years isolated – communities everyday cooperation aiming at solving the most current problems is a fact in the case of non-governmental organizations.

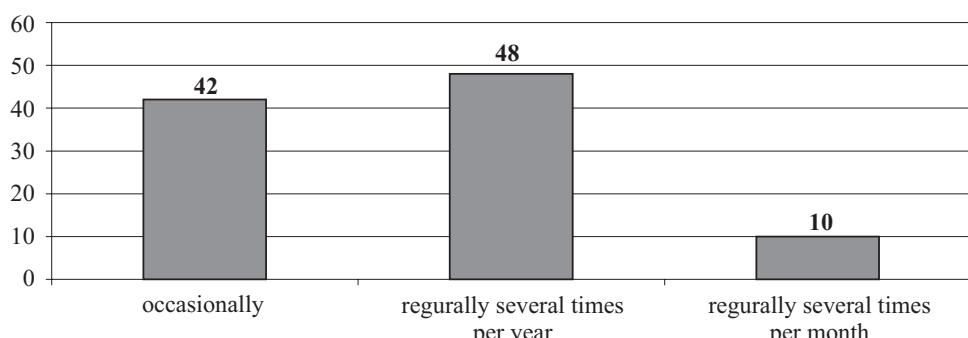
**Graph 1. NGO cooperation Ślubice – Frankfurt (Oder) (%)**



Source: Own research.

When analyzing the quality of cooperation (Graph 2) most of the NGOs collaborate on a regular basis, usually several times per year. About 10% do so several times per

**Graph 2. Cooperation frequency (%)**

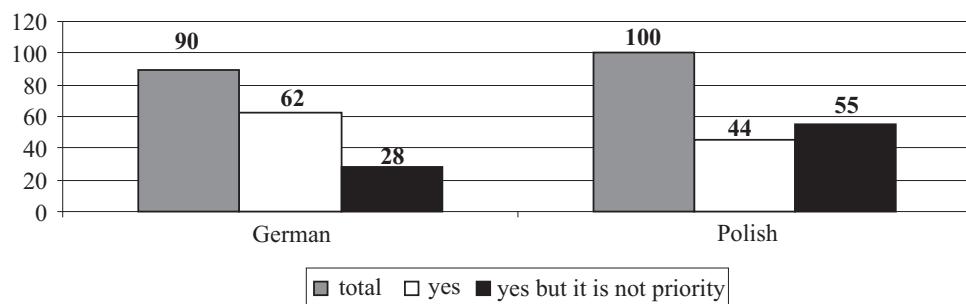


Source: Own research.

month. This seems to show that this process is not of declaratory character but rather involves real efforts to achieve common (trans-border) aims.

In the case of organizations that do not cooperate with a partner from the other side of the border, almost all (90%) in the German case and all (100%) in the Polish one (Graph 3) declare a willingness to collaborate. Additionally, for most of the former it is a priority of their organizational activity, as well as for almost all of the latter. This means that all organizations in Ślubice and almost all in Frankfurt (Oder) cooperate or want to cooperate with a German or Polish partner organization respectively. As the organizations were very different with regard to the field of activeness, resources, size, etc., the most probable explanation for this fact are norms and values. Trans-border co-operation has become one of the most vivid elements of both communities' directions of development. Cooperation brings pragmatic benefits, but is first of all a value in itself. Organizations want to cooperate because trans-border openness, trans-border interests and the trans-border region became, to some extent, a fact. It is no longer state centers that determine the orientation of local citizens but the neighboring communities.

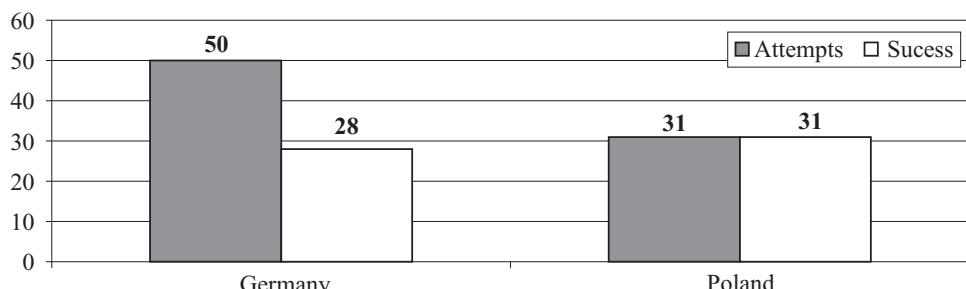
**Graph 3. Will to cooperate in the case of a lack of cooperation (%)**



Source: Own research.

On the other hand – following Parkin's argument – special border status as well as trans-border cooperation bring gains for participating actors. Many of the interviewed organizations declared that they applied for financial support for joint initiatives or even obtained this support (Graph 4). Support usually being an instrument of the Euro-

**Graph 4. External financial support for joint projects (%)**

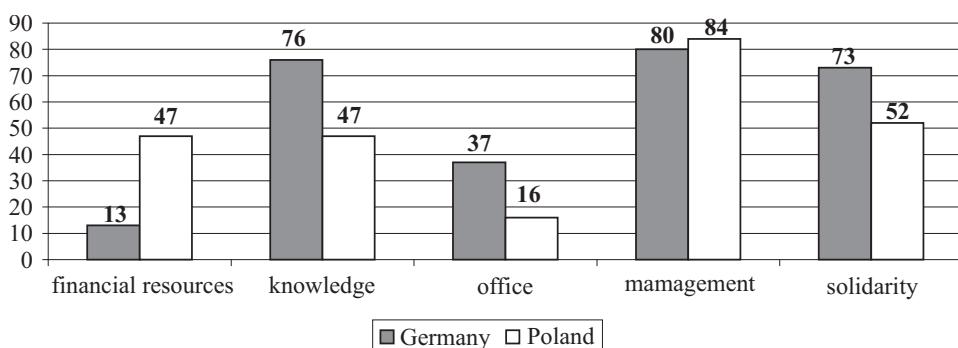


Source: Own research.

pean Union to encourage trans-border cooperation and the creation of trans-border communities. On the other hand, not all organizations became involved in that sort of activity, which means that financial gains are not the main reason for cooperation.

This is also visible when comparing what the organizations expect from the cooperation. It is not financial support that dominates (Graph 5). Management skills, solidarity and knowledge are the most commonly declared ones. So, even if collaboration were a matter of pragmatism it is not first of all about the money. The high level of support for solidarity as an expectation of cooperation demonstrates that values and a feeling of (trans-border) community is relatively strong.

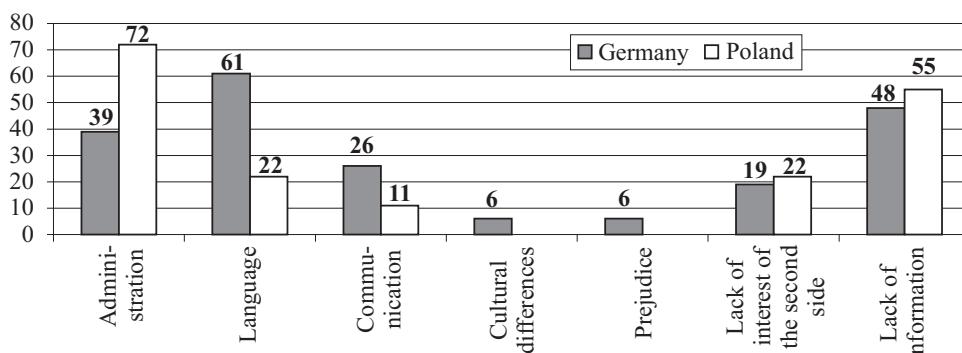
**Graph 5. Demands from cooperation (%)**



Source: Own research.

Does this mean, then, that in the field of NGO activity one could describe a regional community rather than a community of regions? The answers to the question (Graph 6) about the main problems in cooperation reveal some explanations. Apart from administrative and organizational problems, language difference as well as a lack of information on developments on the other side of the river limit collaboration possibilities. What is also interesting is that ‘difficult history’ was not chosen at all, meaning history was not considered an obstacle in the eyes of NGOs.

**Graph 6. Main problems in cooperation (%)**



Source: Own research.

## 7. Conclusion

The Europeanization of trans-border communities seems to be visible when analyzing the most advanced sector of cooperation in the divided city of Ślubice and Frankfurt (Oder) – non-governmental organizations. Empirical findings show that isolation, characteristic of the cold war period and strengthened by the border shift as well as population replacement, has adapted to the new situation. European integration together with – following the Bechelt-Bafois model – global influences adjusted the border cooperation between two border communities to European patterns despite observable asymmetries.<sup>42</sup>

The trans-border community in Ślubice-Frankfurt (Oder) seems to be in the process of creation. It is located between a community of regions and a regional community. NGOs are the frontrunners of this process, combining the effectiveness of public institutions and involvement of individuals. Their activities follow the Europeanization model and social constructivist logic. As shown in empirical part, European values of coexistence and cooperation have been internalized and are reflected in the beliefs and activities of NGOs. Common problem solving is a value in itself that pushes them to act together. It also has been redefining interests and their perception, where trans-border cooperation is aimed to be beneficial and fruitful for all participants.

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<sup>42</sup> W. Holly, J. Nevkapil, I. Scherm, P. Tišerová, *Unequal neighbours: coping with asymmetries*, “Journal of Ethnic and Migration Studies” 2003, vol. 29, no. 5.

MARCIN WITKOWSKI

## Europeanization of the Polish Social Dialogue in Labor Relations

The basic definition of ‘Europeanization,’ still commonly used today, was suggested by Robert Ladrech and is recounted by Tim Beichelt: “A process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making.”<sup>1</sup> Social dialogue is one of the areas of greatest interest and importance to the general European public as it settles judgments on how nation states conduct the collective bargaining process. With every other EU opening towards new members, social partners in the ‘old Europe’ used to face new challenges coming from attempts at creating more common grounds in social policy across the united Europe.

One of the cornerstones for this ‘re-orientation’ of particular regimes of policy and decision-making by member-states seems to be making social dialogue procedures more European in nature, thus allowing a common denominator in negotiations between European social partners. Poland, having joined the EU fairly recently, has a long way to go. Europeanization of Polish social dialogue in labor relations shows a certain dynamic, resembling that of many western European countries.

A model of cooperation within industrial societies, referred to as corporatist, became popular in several democratic states, such as Germany, France or Great Britain in 1970s. Corporatism as a democratic decision-making style allowed for the application of tools both creating and at the same time governing macroeconomic policy. When it occurred, states began analyzing the strategy based on coordinating particular economic sectors by social partners: labor unions, employers’ organizations and the government. Social policy areas such as remuneration, employment, as well as fiscal burdens and processes started being influenced by the corporatist model.<sup>2</sup>

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<sup>1</sup> In his first draft of “Dimensions of Europeanization,” the text for: F. Bafoil, T. Beichelt (ed.), *Européanisation. D’Ouest en Est, L’Harmattan*, Coll. Logiques Politiques (dir. Yves Surel), 2007, p. 1; T. Beichelt calls upon R. Ladrech, *The Europeanization of Domestic Politics and Institutions: The Case of France*, “Journal of Common Market Studies,” vol. 32, no. 1, pp. 69–88.

<sup>2</sup> According to Wikipedia, “some contemporary political scientists and sociologists use the term neo-corporatism to describe a process of bargaining between labor, capital, and government identified as occurring in some small, open economies (particularly in Europe) as a means of distinguishing their observations from popular pejorative usage and to highlight ties to classical theories.” In the recent literature of social science, corporatism (or neo-corporatism) lacks negative connotation. In the writings of Philippe Schmitter, Gerhard Lehmbruch, and their followers, ‘neo-corporatism’ refers to social arrangements dominated by tri-partite bargaining between unions, the private sector (capital), and government. Such bargaining is oriented toward (a) dividing the productivity gains created in the economy ‘fairly’ among the social partners and (b) gaining wage restraint in recessionary or inflationary periods.

It is worth pointing out that there exists an important difference between a corporatist and consensual political decision-making style. The latter finds its application in culture-based conflicts where the main spotlights are occupied by political bodies such as political parties, parliamentary factions, public administration and local or regional elites, and where classical mechanisms of political negotiations take place. Corporatism on the other hand refers first of all to the state's economic policy, and corporatism tends to be regarded as an illustration of socio-economic divisions, which to some extent show potential areas of conflict between particular social classes.<sup>3</sup> Partners included therefore within a corporatist system are labor unions, organizations formed by employers and the state organism.<sup>4</sup>

A corporatist system could thus be analyzed through the way public policy is created. It is about the cooperation of many functional and organized interest groups and the state. The aim of the state in this approach is negotiating in areas of common interest acknowledged by both private and public participants. The state creates conditions of monopoly for workers' representatives and employers' organizations in order to co-formulate and implement the state's policy.

Therefore, some authors underline the emergence of a closed organizational system working in a symbiotic way within interconnected interest groups and state institutions they call tripartism or a tripartite solution.<sup>5</sup> As a result of accepting such a political strategy, the parties involved agree to accept a certain set of regulations and institutions, more or less limiting each of the negotiating sides. The specificity of the situation outlined lies in the fundamentals of collective bargaining, where large lobbying labor groups seem to simultaneously represent the general public's interest and the state's interest. What we deal with is then a dual representation and control system, because, as R. Herbut points out, "the lobbying group's elites control its members and their attitudes not only on their own behalf, but on behalf of the authorities as well."<sup>6</sup>

Among political scientists such as A. Lijphart or M. Crepaz, the corporatist system tends to be regarded as a part of consensual democracy, although this view can be challenged as misleading, bearing in mind both styles of decision-making process have predominantly been analyzed as two separate categories of decision-making in the political system.<sup>7</sup> It should be emphasized, however that if consensual and corporatist decision-making styles coincide, which happens rarely, the force of historical, sociopolitical and socioeconomic divisions allows only one style to be the dominant one.

<sup>3</sup> See more in: R. Sandelin, *Consensus Basics, Ingredients of successful consensus process (HTML)*, *Northwest Intentional Communities Association guide to consensus*, Northwest Intentional Communities Association, Retrieved on July 5, 2007, from [www.ic.org](http://www.ic.org).

<sup>4</sup> A similar opinion is expressed by R. Herbut, *Polityka artykulacji i reprezentacji interesów grupowych*, [in:] J. Sroka (ed.), *Administracja i Polityka, Evolucja stosunków przemysłowych w Europie Środkowo-Wschodniej*, Wrocław 2004, pp. 20–21.

<sup>5</sup> In Poland, R. Herbut – one of the major political scientists – calls this phenomenon tripartism, *ibid.*, p. 21.

<sup>6</sup> *Ibid.*

<sup>7</sup> See more in: A. Lijphart, *Democracy in Plural Societies. Comparative Explanation*, Yale University Press, New Haven 1977.

For example, Germany, similarly to the Scandinavian countries, is characterized by a much stronger corporatist than consensual side in its labor relations. German sociopolitical divisions based on cultural difference have not played a vital role, and so the type of political culture based on mutual flexibility and the characteristic of particular lobbying groups has not been formed. German democracy, at least in its stabilizing phase, proved to be dominated by socioeconomic rather than sociopolitical conflict. The left wing parties, such as the SPD gained a high level of social trust and it created a situation for the labor unions to be incorporated into the political decision-making process.

Other political scientists believe that it was the pluralistic model which created the foundation of an ordinary political process, although large lobbying interest groups, their representatives and the state are closely interrelated.<sup>8</sup> Those ties play an important, one might say strategic, role in the development of civil society. It is difficult not to notice however that in light of the above stated thesis, pluralism being a type of political relation, remains rather as a postulate active only in the axiological area, supporting the theory of liberal democracy. At the same time one should not forget the force of diffusion of particular interests coming from lobbying groups nor of their functional differentiation. That is why labor unions, employers' associations, business federations, large corporations or other professional organizations remain important objects in a more widely understood social development process of making a civic society.

It seems more obvious in this way how one may see the creation of political processes and political decision-making within the corporate phenomenon, described by R. Herbut.<sup>9</sup> Functionally different interest groups, representing numerous and determined masses of employees and employers are primarily responsible for setting up the aims for a country's development and its economic progress. Therefore, the so-called 'corporatization' process, referred to since mid-1970s with the prefix 'neo-' stands out as fundamental for further deliberations about social dialogue and social participation in the field of labor relations, based on large groups of employed people.

Some of the examples to be given for effective employee participation in the decision-making process are at the same time reasons for greater economic efficiency.<sup>10</sup>

Among all three types of developed free-market economies in today's world (Anglo-Saxon, German and Japanese) industrial and labor relations are one of the major characteristics. Under the Anglo-Saxon model they tend to be conflict-based, yet under the German and Japanese models they tend to be more operational in nature, which means that both the workers and the employers appreciate their common goals in the industrial process. Workers' participation is acknowledged most strongly in labor relations based on consensus and compromise between the parties involved.

Many sources reveal the following economic arguments in favor of workers' participation:

<sup>8</sup> P. Dunleavy, *Democracy, Bureaucracy and Public Choice*, Harvester Wheatsheaf, New York 1991.

<sup>9</sup> R. Herbut, op. cit., p. 22.

<sup>10</sup> M. Dębowska *Partycipacja pracownicza w zarządzaniu a udział własności*, KIK, Wrocław 2003, p. 3.

- Supporting industrial peace inside a company,
- Improving human relations,
- Improving the company's efficiency (thanks to using initiative, creativity and energy generated by individual employees engaged in constant improvement process).<sup>11</sup>

J. Wratny recalls the opinion of two American economists D. J. Levine and L. A. Tyson (economic advisor in the former President Bill Clinton's administration), who conducted research in several American and European enterprises: "Usually you may observe a positive influence of workers' participation on work efficiency, sometimes it reaches negligible levels or even zero, but it never drops below zero. The relative strength and area of workers' participation depend upon its form and content. The probability of bringing a constant increase of work efficiency by introducing participation is greater when it includes decisions touching upon shop floor and when it underscores the use of mechanisms and institutions involving more co-decision than just consultation for the workers."<sup>12</sup>

The experience of Poland in building a new social and economic order under the free-market economy is quite broad. The state continues to play an important role, although there are difficulties with defining its role primarily in the sphere of social relations, directly influenced by economic conditions. At the beginning of systemic transformation the major argument in favor of stepping away from the policy of state intervention had a psychological aspect. It was reacting towards the abusive role of the government in the remotely-controlled 'lunar' economy. On the other hand giving priority to the neoliberal way of building a market economy and leaving the state in the position of a fireman simply extinguishing larger fires was not at all welcomed enthusiastically by the members of Polish society after 1989.<sup>13</sup> A radical transition from state intervention to economic liberalism turned out to be against public expectations. Under these conditions, slowly and influenced by social tensions and conflicts, Poland witnessed the emergence of an intermediate model for placing the state within the framework of a free-market economy, yet based on a neocorporatist social dialogue, raised to the level of constitutionally guaranteed system guidelines.

Additional importance to this subject matter was given by Poland's accession to the European Union. Polish legal standards are being adapted to the European framework, most recently a parliamentary bill on works councils was passed and entered into the system on April 6, 2006, bringing new representation for the employees.<sup>14</sup> On the whole, the relations between labor, capital and the state, taking part in the social dia-

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<sup>11</sup> See: J. Wratny, *Partycypacja pracownicza w warunkach gospodarki rynkowej w Polsce*, [in:] *Zbiorowe prawo pracy w społecznej gospodarce rynkowej*, G. Goździewicz (ed.), Towarzystwo Naukowe Organizacji i Kierownictwa "Dom Organizatora," Toruń 2000.

<sup>12</sup> Ibid., p. 45.

<sup>13</sup> L. Balcerowicz, *Jak pojmować wolność?*, "Wprost" 1995, no. 19.

<sup>14</sup> It gives the right to the Works Councils' representatives to inquire and be consulted on the matters connected with economic conditions of the company and any changes planned. Labor unions in Poland do not have that particular right. See more in: P. Ciszek, M. Chakowski, *Rada pracowników w firmie*, Wydawnictwo C. H. Beck, Warszawa 2006; for more aspects of European law implementation, see also: J. Galster, Z. Witkowski, *Kompendium wiedzy o Unii Europejskiej z uwzględnieniem Traktatu Amsterdamskiego i Traktatu z Nicei*, TNOiK, Toruń 2002, pp. 8–10.

logue process, are regarded in the European Union as a crucial factor in making further progress on the road to final integration, not only economic, but also social and political. That is why basic institutions of social dialogue (collective bargaining laws) are being found on a growing scale in the European standards of *acquis communautaire* in successive institutional solutions. European legal norms also influence the legal codes of EU member-states which enhances and improves the rules of real social dialogue.

In the present situation in Poland, with an ongoing social and economic transformation, the method of conducting social dialogue is a dominant mechanism of ensuring social peace, bringing once conflicted parties to a common table of negotiations and is used for finding public approval for the decisions to be taken by the government. The role of the state is nevertheless limited. It acts as the legislator and the regulator of cooperation and dialogue between three sides in social partnership. Tripartite social dialogue seems, in this view, a temporary form, as along with Poland's accession to the EU it is bound to take on a different form, more autonomous and bilateral. It will be the result of direct contacts and exchanges of experience among social partners and the result of decreasing social expectations for state intervention in labor relations.

A major verification of the state's role in shaping social dialogue is consequently inevitable. Upon reflection on the place and power of the state over social dialogue mechanisms one tendency has to be taken into account as a variable in the economic and social equation. A risk to the development of a model social dialogue is carried by globalization of work and the abusive expansion of international corporations, aided by governmental agencies. Growing social reactions to globalization imposed top-down following numerous outcries and protests in Europe and the United States, are symptomatic of the drifting air of endangerment. That, in turn, strengthens arguments in favor of returning to a strong state ideology, as far as preventing potential economic and financial crisis touching directly upon labor relations in the today's world is concerned.

Yet tripartism gives governments much more opportunities than just appearing as a 'third party.' On an informal level, state officials may act as initiators, agents of change, promoting and guaranteeing the state's efficiency in keeping public promises once made. On an institutional level, governments may use the legislative process in order to build commonly accepted dialog-facilitating institutions, improving dialogue quality through wider representation on the employees side (since 2005 the duopoly of two major labor unions representing workers on the Tripartite Social and Economic Committee has been broken by adding the Labor Unions' Forum (Forum Związków Zawodowych) as the third employee-related agent). Representation becomes deeper and the negotiator personified by the state official becomes a mediator rather than an arbitrator.<sup>15</sup>

Neglecting the state's role in shaping social dialogue on a central level on the basis of intrusion into the free collective bargaining processes and talking about breaching the rule of autonomy and equality of negotiating parties does not seem sensible in the

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<sup>15</sup> Existing agencies are the following: Socio-Economic Councils, Tripartite Committee, Collective Bargaining Committee, Work Protection Council, National Employment Council, Consultation Council for the Handicapped, Consultation Council for Minimal Pay, Tripartite Committee for Cooperation with the International Labor Organization.

present situation in Poland.<sup>16</sup> This is amply demonstrated by the most recent events in front of the Prime Minister's residence in Warsaw, where hospital nurses supported by the general public proved how crucial the state's role still is, especially in the most 'fragile' sectors of public health, safety and energy resources.

A bilateral social dialogue on a nationwide level however would at this point be flawed by the unions' inability to press on with a united negotiating front due to their political involvement both in the past and at present, and even further flawed by the running costs the employers need to cover as they attempt to satisfy the state's and labor force's outstretched hands, each expecting their share of the profit. Reducing the tax burdens of employers has proven itself in other developing democracies such as Slovakia, Hungary or the Baltic States as one of the tools enhancing social dialogue and narrowing the gap between *per capita* work income. Only in the last year, average pay in Poland has risen by 9.3% (Main Statistical Office, 2007) and continues to rise, with the accompanying lowering of the social pension rate from 6.5% to 3.5% since July 2007.

Keeping the state in the circumscribed role of a 'carrot-and-stick' administrator, creating a system of institutional incentives or frameworks, might, in the long run, de-autonomize social dialogue in Poland, as the European Union gives clear guidelines to what extent can governments intervene with their subsidies and public support funds quota. As we have seen in the produce and meat markets, some form of state activity will continuously be required. The efforts to 'Europeanize' social dialogue more might be reinforced by a state social dialogue agency, financed from central funds, created to step in whenever information, consultation or conciliation services are necessary. Its action would be in social partners' best interests on all levels of their collective actions. Giandomenico Majone suggests the need of persuasion in order to break the rigid schemes of thinking on the part of decision-makers and make them think beyond simple alternatives.<sup>17</sup>

Some authors stress that the link between state and social dialogue is unbreakable. They point out that the idea of tripartism should be regarded in aspects of *sensu largo* and *sensu stricto*. The first aspect touches upon tripartism as a central, nationwide mechanism, often reaching beyond the European Union nation-states boundaries. The second aspect includes bargaining on a company and multi-company level. In this view, the state does not appear as a partner, but as a legal framework provider, giving general guidelines for bargaining between the labor unions and employers. The state is thus active on a minimal scale.<sup>18</sup>

<sup>16</sup> Z. Hajn, *Polska droga do dialogu – doświadczenia w tworzeniu porozumienia społecznego w Polsce. Instytucje i instrumenty prawne dialogu społecznego*, [in]: *Dialog społeczny: miraż czy rzeczywistość?*, post-conference papers, Warsaw, November 21–22, 2000, p. 39.

<sup>17</sup> G. Majone, *Evidence, Arguments and Persuasion in the Policy Process*, Warszawa 2004, p. 114; compare with: M. Seweryński, *Dialog społeczny...*, p. 38. The proposal for reforming the collective Labor Code prepared by the Commission Reforming Labor Law includes calling to life new agency of the Spokesman for the Social Dialogue of Work. At present the only legal body performing action in the field of bargaining is the Commission for Collective Bargaining Agreements, see: U. Jelińska, *Działalność Komisji do Spraw Układów Zbiorowych Pracy*, "Służba Pracownicza" 1997, nr 6, p. 14 and I. Boruta, Z. Góral, *Omówienie dyskusji...*, op. cit., p. 225.

<sup>18</sup> See: I. Boruta, Z. Góral, *Omówienie dyskusji...*, op. cit., p. 225.

One important argument favoring the state's necessity of taking part in the *sensu largo* social dialogue is the fact that it incorporates tripartism as its specific feature or characteristic. Such a mechanism proves vital in times of crisis, whereas in times of social peace other forms of negotiations are likely to be employed in the first instance.<sup>19</sup> The phenomenon described is known in the European Union, where stable economic, social and political relations carry on as a result of successful bilateral dialogue and the state only enters whenever there seems to be some real danger to the stability of industrial and labor relations.

One may therefore conclude that a tripartite model of 'Europeanized' dialogue seems to be a transitional model on the road to creating bilateral bargaining on a central level.<sup>20</sup> Economic stability and the lack of potential threat to social peace are two conditions upon which it may realize itself. The target model for Poland and other countries of systemic transformation are bilateral agreements on every level of conduct of social dialogue, however economic stability is still a long way from being achieved.<sup>21</sup>

The transitional nature of Polish social dialogue was confirmed by the bargaining parties in a recent discussion about the legal regulations concerning the Tripartite Committee. It was agreed that all the fundamental tasks within social and economic policy, privatization and restructuring as well as social welfare reform should be continued under the auspices of the present Committee.<sup>22</sup>

Europeanization is also visible in the proceedings of the European Trade Union Confederation (ETUC). The ETUC had a majority of its 11 affiliated European industrial federations and union organizations actively supporting the process of change towards full democracy and consolidation of Central and Eastern Europe with a special emphasis on European Union integration. Their support took the following forms:

- Creation of the 1991 Forum for Cooperation and Integration within the ETUC;
- Complete affiliation of a substantial number of labor unions from our part of the world and granting observer status to candidate countries;
- Formation of several working groups in the structure of the ETUC, devoted to providing help to national union authorities in explaining and gaining support for the European integration process.

Unions from the newest member-states and candidate countries have taken steps towards further EU enlargement through ETUC procedures. In Turkey, for instance, labor unions formed their own national committee for EU enlargement. In Cyprus, unions from the north and south parts of the country now work together at a Forum promoting

<sup>19</sup> M. Seweryński, *Głos w dyskusji nt. Nowy ład w zbiorowych stosunkach pracy po dwóch latach?*, "Ekonomika i Organizacja Przedsiębiorstwa" 1993, nr 2, p. 12.

<sup>20</sup> See: B. Zaborowska, *Dialog społeczny a proces negocjacji akcesyjnych*, [in:] *Zrozumieć negocjacje...*, op. cit., p. 25.

<sup>21</sup> In Central and Eastern Europe the tripartite solution is used widely; for more on that see: M. Pliszkiewicz, *Trójstronność w krajach Europy Środkowej i Wschodniej*, [in:] *Syndykalizm współczesny i jego przyszłość*, H. Lewandowski (ed.), Łódź 1996; E. Sobótka, *Rady Gospodarczo-Społeczne w krajach Unii Europejskiej jako zinstytucjonalizowana forma dialogu społecznego*, "Praca i Zabezpieczenie Społeczne" 1994, nr 10–11, pp. 1–16.

<sup>22</sup> So claims T. Sulkowski in an article, *Lepsza wersja. Dialog społeczny w Polsce*, "Rzeczpospolita," October 18 2005, p. C9.

cooperation in that divided part of the EU. This practical dimension of European labor unions' cooperation allows the dialogue participants to gain access to important documents and information as well as conveying opinions and conclusions from the EU institutions responsible for social policy, to particular governments.<sup>23</sup>

Since the very beginning, unions have been critical in their estimates of the inter-governmental enlargement process where they believed there was little room for presenting the opinions and goals of their respective social partners, and where the entire social approach of Europeanization has been dependent upon economic reforms. Previous stages of the enlargement process were also negotiated on an intergovernmental level, however, back then the candidate countries had worked out the *modus operandi* defined as the culture of work relations with every remark of social partners counted as important. Clearly, the Central and Eastern European countries have a long way to go, defining their own *modus operandi*.

In March 2004 the European Commission invited social partners from the candidate countries to a conference in Warsaw where it was decided that all sides involved in collective bargaining should participate in widening and deepening of the EU integration process. It was stressed yet again by the Social Council that the social *acquis* is an important ingredient of the enlargement. Conclusions from the 2001 Report on Social Dialogue in the Candidate Countries were judged to have been satisfactorily fulfilled by the actions of the social partners in Central and Eastern Europe.<sup>24</sup>

Other examples of European labor unions' cooperation are found on a bilateral level between East and West. Until the most recent enlargement, sharing a border was the main factor in facilitating cross-border union projects. Ever since the beginning of the 90s German and Austrian union confederations, acting along with industry unions, began regular cooperation with their partners in Poland, the Czech Republic, Hungary and Slovakia. It involved exchange of information about industry relocation, the investment policies of major corporations outsourcing their activities, union rights and union tasks on various stages of collective bargaining – mostly through a series of educational projects and training sessions.

Thus allied, the labor unions also formed many regional assemblies, such as the initiative of the Baltic countries along with the Interregional Council of Trade Unions (with seven major unions from the new member-states) aiming at bilateral and multilateral cooperation.<sup>25</sup>

In the opinions of many experts, the Europeanization of labor relations will continue in its neocorporatist integration of the employed with political systems through pursuing the interests of the so-called *labor class*, in return for the guarantees of maintaining

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<sup>23</sup> The mechanism of opinion exchange is more closely described by R. Langewiesche, *Europe United! Trade Unions and the European Union Enlargement*, ETUI, Luxembourg 2001, p. 21.

<sup>24</sup> See: F. Draus, *Synthesis Report: Social Dialogue in the Candidate Countries*, Appended: Country Reports. By commission of the European Social Partners ETUC/UNICE-UEAPME/CEEP with the support of the European Commission, 2001.

<sup>25</sup> More on that subject in: C. Berger, R. Langewiesche, *Enlargement of the European Union: Trade unions as integrators at the regional level: between international solidarity and competition*, prepared for the 6<sup>th</sup> European Congress of the International Industrial Relations Association, Oslo, 2001.

political and economic stability within that system, by means of organized and self-disciplined labor representation.<sup>26</sup>

In Eastern Europe, particularly in Poland, the goals for the system defined along those lines still seem to be unattainable, as the percentage of unionization of the growing private production and service sectors is low. Therefore, the present model of tripartism in collective bargaining plays the role of a “pseudo-corporatist façade.”<sup>27</sup> It means that the workers are not inclined towards supporting a system based on the hegemony of capital which creates an area of self-exclusion from contributing to the prosperity of the free-market economy. Until labor and capital and the state are able to work out a social dialogue model which remains free of any illusory pseudo-corporatism, Polish labor relations, although undergoing the process of Europeanization in a formal and legal way, will not guarantee either economic or political stabilization.

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<sup>26</sup> For example David Ost underlines that such corporatism requires the presence of authoritative representation of labor, fully devoted to pursuing the interests of the so-called working class, able to manage its organizational loyalty and at the same time able to structurally threaten the interests of the political class, in case the latter does not take the needs of the former under consideration. See: D. Ost, *Illusory Corporatism in Eastern Europe: Neoliberal Tripartism and Postcommunist Class Identities, Politics and Society*, Sage Publications 2000, vol. 28, no. 4, pp. 503–530.

<sup>27</sup> See *ibid.*, p. 525.



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## **Rhetoric of ‘Europeanization’ and ‘Globalization’: Discursive Construction of European Exceptionalism through the ‘European Social Model’**

“I have always found the word Europe in the mouth of those politicians who were demanding from other powers something that they did not dare demand in their own name.”

Otto von Bismarck

### **Introduction**

Bismarck remarked on the rhetorical power of big words like Europeanization and indeed used them for his ‘Realpolitik’ purposes. Europeanization then, was a synonym for ‘modern civilization.’ Bismarck’s conception of modernization gave him the ability to manipulate, and, if necessary, to exploit it for his conservative principles. The social security legislation he introduced not only anticipated modern social security systems in their main features, but also inspired those politicians who aim to abuse modern democratic regimes for their political purposes.

In contemporary discourse, popular media, think tanks and certain academics permanently preach the idea that, to keep up with the pace of globalization, national governments should regularly update their institutional structures according to knowledge and policies produced by international organizations in Washington or Brussels. This process has widely been criticized as a one-sided imposition of policies determined against the will of local governments. However discursive practices are not only one-sided inflictions, but also interactive communication processes. Popularization is an important part of the legitimization of any discourse. To be swallowed by the masses, the ‘hard,’ ‘technological’ language of any discourse has to be dampened through figurative speech acts.

Although represented as a purely ‘technical’ matter, during its popularization process ‘structural reforms’ discourse has a tendency to lose its semantic content where rhetorical elements start to outweigh cognitive elements. Rhetorical figures are polysemous; they constantly change, diverge, and spread across different realms through semantic transmission.

In that respect, this paper attempts a conceptual inquiry into how the idea of ‘European Social Model’ (ESM) discursively constructs ‘European exceptionalism.’ We will specifically point to how this discursive construction carries the potential of neutralization of the ‘social’ in ESM as a bureaucratic tool and how the rhetorical elements dwell-

ing in it may provide social actors to reanimate and transfigure its meaning by (re)negotiating it in everyday practices.

### Discursive Construction of Social Policies

As suggested by authors from Polanyi,<sup>1</sup> Foucault<sup>2</sup> to Esping-Andersen,<sup>3</sup> social policies play an important role in designing the everyday life of individuals in modern societies. They tend to shape customs, habits, health, reproductive practices, family, organizational relations, well-being, retirement, the labor market and most importantly of all, how individuals in a society imagine the world and behave concordant with a ‘social model.’ Individuals socialize into basic presuppositions about ‘social justice’ and ‘social order’ through social policies. Social policies frame and emerge from larger economic, political and ethical procedures. Macroeconomic strategies, ways of legitimizing the public authority, institutional structures, and the values related to imagining social justice all play a determinant role during these procedures.

However, the relation between social policies and everyday practices is co-determinate. While social policies constrain the willful acts of social actors through macro structures, they also materialize political concerns through everyday actions. They determine and emerge from everyday practices within a ‘field,’<sup>4</sup> where social and individual actors not only strategically put into use complex rule-like structures but also negotiate, become reflexive about these structures. Every government, even a dictatorship, needs to negotiate a sense of solidarity to legitimize its power. Accordingly, social policies emerge through a symbolic exchange process that evokes social imagination and a sense of collective dreaming about a certain concept of a better social order. Specific institutions, political systems, social actors, concepts of justice, formal and informal networks take their part during this symbolic restructuring and de-structuring process.

In that matter, negotiation of social policies within everyday practices has two faces: discursive and rhetorical. Foucault defines ‘discourse’ as an argumentative process that internalizes predetermined cognitive paradigms to position social bodies as identified subjects for controlling their conduct. In this sense discourse is considered as a ‘technology of domination;’ an exercise of power over the individual to produce docile subjects.<sup>5</sup> As such, discursive categories exist apart from the actors who mentally draw on them.

<sup>1</sup> K. Polanyi, *The great transformation [e-book]: the political and economic origins of our time*, Beacon Press, Boston, MA 2001.

<sup>2</sup> M. Foucault, *The history of sexuality: The will to knowledge*, Penguin, London 1990.

<sup>3</sup> G. Esping-Andersen, *The Three Worlds of Welfare Capitalism*, Princeton University Press, Princeton, NJ 1990; G. Esping-Andersen, *Social Foundations of Postindustrial Economies*, Oxford University Press, New York 1999.

<sup>4</sup> P. Bourdieu, *Structures, habitus, practices. The Logic of Practice*, Stanford, Stanford Univ. Press, 1990 [1980].

<sup>5</sup> M. Foucault, *The political technology of individuals. Technologies of the self*, L. H. Martin, H. Gutman, P. H. Hutton, University of Massachusetts Press, Amherst 1988, p. 18.

On the other hand, besides their constraining properties, discursive practices provide the social actors with a certain freedom of movement; a conceptual context – a repertoire of narrative categories – where they can negotiate active strategies. Individuals do not just absorb the cognitive categories imposed upon them; sense-making emerges from the relations of words to one another and through a process of negotiation with other social actors. As a social construction, knowledge needs to be (re)interpreted in diverse social contexts. Such localized interpretations are ‘multivocal,’<sup>6</sup> subvert fixed meanings in discursive categories, they adjust, diverge and spread across contexts through semantic contagion.<sup>7</sup>

Therefore, discursive rationalization is not enough to convince people of the legitimacy of a message. To be legitimate, messages have to be negotiated by deploying persuasive techniques rich in emotional tropes. If we assume that the masses swallow the message and throw the medium, there will be little doubt that minds can be engineered as discourse theory suggests. However, if the medium is the message, that is, if sense-making does not separate the form of tropes from their contents, then internalization of paradigmatic mind structures would be an impossible project. Tropes are polysemous and are open to multiple interpretations. Broadcasted cognitive structures are negotiated in particular social contexts where local actors juxtapose and integrate competing belief systems into the discursive construction.

### **Globalization as an All-encompassing Discourse**

It isn't an exaggerated argument to consider the globalization concept as the buzzword of the beginning of the millennium. Either contested or approved, different grounds for various occasions deliver it as a radical shift in the logic of contemporary capitalism. Like all millennial prophecies, it is eschatological. Those who spread the word harbinger the end of an era and the beginning of a new world. The concept has infiltrated into our daily life through the mass media which constantly depict it as a paradigm shift in the ways we think, organize, consume and produce. Basing their assumptions on over-generalized periodizations (e.g. Fordism-Postfordism, Industrialism-Postindustrialism, Keynesian Welfare State-Schumpeterian Workfare State) these representations naturalize globalization as a coherent, fixed and universal concept. One can accept or resist it; but it is out there, irreversible and inevitable. Nothing can stand in the way of the brave new world of globalization; the era of nation-states is over; they can only play a regulatory role to create a healthy economic environment or to take a reactionary stance.

In its version as formulated above, ‘globalization’ discourse refers to a naturalized representation of an American dominated model of global capitalism. Basically, this model presumes removing government-imposed restrictions to free movement of

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<sup>6</sup> M. M. Bakhtin, *Speech genres. Speech Genres and Other Late Essays*, M. H. C. Emerson, Univ. Texas Press, Austin 1986.

<sup>7</sup> J. Ross, *Semantic contagion. Frames, Fields and Contrasts: New Essays in Semantic and Lexical Organization*, K. E. F. Lehrer A. Hillsdale, Lawrence Erlbaum, NJ 1992.

goods, services and capital between countries is imperative to create an ‘open’ and ‘borderless’ global economy. Rather than being one out of a set of different alternatives, globalization is out there, bound up with the mysterious logic of an invisible hand, leaving nation states with no choice but to accept neo-liberal policies.

However, the actual world of ‘globalization’ has not been smooth as this eschatology has harbingered. The machinery of the invisible hand has not always efficiently allocated resources at the local and global levels. Increases in regional and income inequalities, booms and busts, crises are the rule rather than the exception. Despite the mystical harmony in its discursive representation, incarnation of globalization is much more chaotic. Technological advances, opening of borders, diffusion of information, innovations in organization and consumption technologies bring out contradictory results rather than a new model of capitalism.

The gap between the discourse and what we witness in everyday life led some thinkers to suggest that globalization is an ideological construct used for manipulating public opinion for the interests of international capital. These views highlighted the role of international finance organizations in harnessing the political rhetoric of globalization to turn the material reality of globalization into new forms of oppression.<sup>8</sup> According to them, the governments that neglect so-called market-imperatives are not regulated by the unbiased revenge of the ‘invisible hand’ but punished by planned, speculative attacks. In their views, the globalization discourse is allegedly used to force labor unions to withdraw from political and economic struggle.

These views rightly criticize the naturalized representation of globalization and consider it as a social construction involving not only institutions but also linguistic practices. On the other hand, if oversimplified, such views can easily lead us to conspiracy theories that presume any event occurring in the world is cooked up by ‘American Big Business.’ Quite popular in critical circles, globalization is pictured as a top-down process where ‘American Big Business’ controls international organizations to produce economic policies that favor their financial interests and imposes them on vulnerable governments and the masses. In that matter, a simplified version of social constructivist theory assumes an all-powerful agent, a master builder who has full command of every economic and social relation.

However, although control of institutions such as markets, mass media, education, information channels, religions and politics play a great role in manipulating the minds of the masses, these institutions are not immune to inner contradictions and counter-forces from below. The social frame of power relations is not only a ‘solid’ construction; it is also made of softer material of localized everyday relations that permanently deconstruct the ‘harder’ reality. Thus, depicting globalization as a ‘discursive construction’ should not lead us to assume that it is ‘constructed’ by a single, omnipotent agent. Rather, such a construction involves the actions of multi-agents who strategically deconstruct and subvert the meanings implied by the institutional construction.

A useful tool to understand how social actors make sense of globalization should be to make a distinction between its two appeals: globalization as discourse and globaliza-

<sup>8</sup> M. Watson, *Rethinking capital mobility, re-regulating financial markets*, “New Political Economy” 1999, no. 4(1), pp. 55–75.

tion as rhetoric.<sup>9</sup> Globalization as discourse refers to incorporation of a set of ideas, paradigms in the form of implicit, fixed assumptions by the social actors. These assumptions provide a cognitive framework through which agents make sense of social, political and economic developments. In this sense, discourse of globalization sets the rules of the game for the limits of the legitimate action for the agents; it exists independently of the actors who draw upon them. On the other hand, globalization rhetoric sets up an ideal that reflects the hopes, fears and dreams of local actors. In this sense, it unfolds globalization discourse through strategic and persuasive deployment of specific courses of action and policy initiatives.<sup>10</sup>

Therefore, an analysis which bounds itself only to discourses of globalization is excessively structural, neglecting the active and creative role of agents other than an omnipotent 'super-agent' or its mirror-image: a 'hyper-resistance.'

### Americanization of the Meta-narrative of Globalization

As we have discussed in the previous paragraphs, globalization is principally associated to 'Americanization.' After the collapse of the Soviet system, the American form of capitalism is presented as the only viable system for good governance. Following Fukuyama's 'the end of history' thesis, such presentations interpreted the end of the cold war as the end of mankind's ideological evolution and universalized Western liberal democracy as the final form of human government.<sup>11</sup> Although challenging this thesis in appearance, Fukuyama was joined by various American authors to announce that liberal democracy is the only viable system at least for the Western world<sup>12</sup> (Huntington 1998). Without making any distinction between different forms of citizenship in the Western world, these views implicitly announced the victory of the American ethos as the teleological accomplishment of Western civilization.

After the term was first used by Alexis de Tocqueville, the American establishment apotheosized American exceptionalism. The alleged 'exceptional' nature of the American ethos occupied a central place in the American psyche. According to prominent American social scientists, what made the United States the most developed, most powerful nation on earth was its unique ethos, national creed, and distinctive apolitical and religious institutions.

Samuel Huntington<sup>13</sup> formulates American exceptionalism as a 'creed;' as a broad consensus on a set of values. A creed is not a coherent ideology, but rather a loose set of ideas that set the stage for a legitimate discussion of political issues. In other words, it is

<sup>9</sup> C. Hay, B. Rosamond, *Globalization, European integration and the discursive construction of economic imperatives*, "Journal of European Public Policy" 2002, no. 9(2), pp. 147–167.

<sup>10</sup> B. Rosamond, *Globalization and the Social Construction of European Identities*, "Journal of European Public Policy" 1999, no. 6(4), pp. 652–668.

<sup>11</sup> F. Fukuyama, *The End of History and the Last Man*, Penguin, Harmondsworth 1992.

<sup>12</sup> S. P. Huntington, *The clash of civilizations and the remaking of world order*, Touchstone, New York 1998.

<sup>13</sup> Ibid.

the ‘habits of heart’ that reflect ‘deep America.’<sup>14</sup> The American creed is identified by the idea that government is dangerous and so must be limited. According to Huntington, regardless of their political position, Americans have shared a broad consensus on fundamental values – liberty, equality, democracy, individualism, and the rule of law under a constitution. Religious conservatives found these values in biblical faith; libertarians in the idea of spontaneous order; neoconservatives in the idea that a common good can be achieved through reason; and traditionalists in the communitarian cultures.

However, Huntington argues that the values of the American Creed are so idealistic that reality inevitably falls short of establishing a common identity for Americans. The contradiction between the anti-authoritarian bias of the ‘Creed’ and the inevitable need to exercise power, the contradiction between ideal and reality constitutes the ‘disharmony’ of American politics. While anti-authoritarian individualism in the ‘Creed’ tends to tear apart American identity, ‘Anglo-Protestant’ culture has the potential to gather Americans around common codes of conduct. Huntington calls government to distance itself from cultural relativism and be more active in promoting ‘Anglo-Protestant’ cultural values.

The conflict between individualism as an American value and commitment to the public good has always been problematic to the American establishment. Depending on Weber’s premises about protestant ethic as the spirit of capitalism, American exceptionalism depicted liberal capitalism as a socio-economic system which is not only driven by self seeking individuals. In line with this argument they suggest that the ‘spirit’ of American capitalism provides a closely-knit ethos which ties atomistic individuals to the larger fabric of the society. According to this, the spirit of the American capitalist ethos is driven by individualism as the prime value; liberalism as the political philosophy; a bourgeois conception of utility and realism; respectability, and delayed gratification as a character structure. When they come together, these assumptions form a universalized meta-narrative; a model-passkey for modernization that can be imposed on all cultures in which the basic reasoning is as follows:

*Economic liberalism:* if everyone is left to their own self-seeking instead of being controlled by the government, then an invisible hand will bring the society into harmony and ever-increasing prosperity. Markets are capable of providing the goods and services in the most efficient manner. Any intervention may create market failures.

*Political liberalism:* Involvement of organized ‘private interests’ such as trade unions in politics may subvert public policies and create government failures. Government failures often result in rent-seeking behavior or corruption, since redistributive policies are easily directed to serve private rather than public interests. Therefore, the State should also keep clear from providing social welfare.

*Civil society:* Market and government failures should be controlled by voluntary organizations. Only active citizens involved in public affairs and a developed civil society can sustain and improve democracy, cutting down upon abuses by officials and political professionals and giving citizens a direct influence on government. Economic liberalization then would not be completed without social liberalization where major public

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<sup>14</sup> R. N. Bellah, R. Madsen, et al., *Habits of the Heart*, Berkeley University of California Press, 1985.

services such as health, welfare and education are left to the democratic governance of the civil society since they are closer to local information.

*Religion:* If the norms and values like hard work, belief in the system, individual responsibility are not internalized to the individuals, then it would be impossible to ascertain the fabric of the society. These values are promoted by the 'Puritan Ethic' that is embedded in 'Deep America.' Regardless of their ideological and political positions, Anglo-Protestant culture constitutes the core values of all Americans.

### **Europeanization of the Meta-narrative of Globalization**

Although the Americanization discourse declared the victory of 'Western ideals' without making any distinction between the different 'ideals' that constitute the Western ethos; such a depiction of 'globalization' is contested on many grounds. In this part, we will briefly outline the reconstruction of Europeanization as a counter-narrative to globalization as Americanization. For this purpose, we will analyze both discursive and rhetorical elements that construct Europe as a meta-narrative.

According to Bulmer and Radaelli<sup>15</sup> discursive practices are essential for the institutionalization of formal and informal rules and practices, procedures, styles and shared norms and beliefs during the construction of Europe. In that sense, discourse can not only be depicted as a linguistic practice but also as an interactive process embodying ideas and an ideational dimension. This ideational dimension is based both on a cognitive and normative action, cognitive action helps the actors to make sense of reality while the normative one provides a framework in which actors judge this reality.<sup>16</sup> In that respect, the Europeanization discourse serves as a template that sets the limits for the possible alternatives of action. Discourses influence policy preferences by changing perceptions of economic vulnerabilities and policy legacies thereby enhancing political institutional capacity to impose or negotiate change.<sup>17</sup>

In order to demonstrate the discursive construction of Europeanization, Silvia & Sampson<sup>18</sup> insightfully analyze the genealogy of *the acquis communautaire*. Their analysis points to how the concept of 'standard of civilization' is embedded within a discourse that necessitates the construction of a less-than-civilized, non-European 'other.'

Silvia & Sampson define 'standard of civilization' as tacit or explicit assumptions that are used to distinguish those that belong to a particular society from those that

<sup>15</sup> S. J. Bulmer, C. M. Radaelli, *The Europeanisation of National Policy?*, "Queen's Papers on Europeanisation" 2004, no 1, p. 4.

<sup>16</sup> C. M. Radaelli, R. Pasquier, *Conceptual issues. Europeanization: New Research Agendas*, G. Paolo and V. Maarten, Hounds-mills, Palgrave, 2006, p. 38.

<sup>17</sup> V. A. Schmidt, *Europeanization and the mechanics of economic policy adjustment*, "Journal of European Public Policy" 2002, no. 9(6), pp. 894–912.

<sup>18</sup> S. J. Silvia, A. B. Sampson, *Acquis Communautaire and European exceptionalism: A genealogy*, ACES Working Paper Series, American Consortium on European Union Studies, Washington D.C. 2003.

do not.<sup>19</sup> ‘Standard of civilization’ recodes the ambiguous concept ‘European;’ it determines the norms of conduct for civilized behavior to be ‘European.’ However, since ‘standard of civilization’ is a discursive construction, the assumptions embedded in it are not mere definitions of codes of conduct. The codes of civilization may strategically be deployed for either protectionist or expansionist purposes. In other words, it comprehends ‘double standards.’ Silvia & Sampson point out that the ‘standard of civilization’ discourse is not new to the European agenda. As a meta-narrative sometimes it served to justify colonialist interventions as a humanitarian and civilizing mission; at other times it served to exclude other cultures by deeming them incapable of achieving civilization.

In that respect ‘standard of civilization’ discourse knits together ‘European exceptionalism’ by distinguishing itself not only from the non-Western world, but also from America. In this discourse, Europe is represented as a more mature, more civilized form of capitalism; as a peace-loving entity that relies more on negotiations and soft power than the use of force and which respects international law.<sup>20</sup>

### **Europeanization Discourse**

However, strategic deployment of ‘standards of civilization’ should not lead us to conclude that it is merely a hypocritical construct that is diplomatically manipulated to make others accept what could not be said explicitly. Our analysis of meta-narratives would be incomplete without taking into account the rhetorical elements in the discourses. In one sense, discourses are argumentative processes which internalize presupposed cognitive paradigms, (meta-themes), to position social bodies as identified subjects and control their conduct. In this sense, discursive categories exist apart from the actors who mentally derive upon them. In the other sense, discourses provide a conceptual context – a repertoire of narrative categories – at the disposal of political actors where they can draw active sense-making maneuvers. Since rhetorical forms to convey discursive messages are polysemous, meta-themes may have different connotations besides the intended discursive denotation. The denotations of ‘standard of civilization’ or ‘spirit of capitalism as American ethos’ meta-narratives may be employed as an inclusion or exclusion strategy. However, their disclosure in localized contexts may have different connotations than the intended strategy.

Thus, the motives that make up ‘civilization’ discourse may be disclosed in totally different ways. They may reflect the ‘hopes’ of an evolution towards a unique ‘Western Civilization’ or the ‘fears’ from such a totalizing concept of civilization. Building upon the assumptions that globalization constitutes a form of homogenization based upon the norms of American capitalism, in its rhetorical form Europeanization conveys emotional reactions towards it. It reflects fears and tries to invoke a hope that the benefits of

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<sup>19</sup> Ibid.; H. Bull, *Foreword. The Standard of Civilization in International Society*, G. Gong, Clarendon Press, Oxford 1984.

<sup>20</sup> J. Pehe, *Nationalists in the Balkans and Central Europe: Ideologues or populists? The Balkans/Central Europe Leaders: Exploring Patterns of Leadership and Prospects for Democratic Development*, Bureau of Intelligence and Research at the U.S. State Department and the CIA, 2005.

globalization can only be delivered in Europe through a globalization 'with a human face;' i.e. the *European social model* (ESM).

The concept of 'Social Europe' is a constantly defined and redefined archetype that preoccupies European social imagination. ESM is among the many names this archetype has taken. Yet the European Commission, which conceptually employs the ESM, has not specified a formal definition. One of the first attempts was at the European Summit in Lisbon, where EU leaders stated that "the ESM, with its developed systems of social protection, must underpin the transformation of the knowledge economy."<sup>21</sup> The Social Agenda adopted at the Nice Summit set out numerous objectives to provide social development and economic growth in its 'modernizing and improving the European Social Model' section.<sup>22</sup>

The first official definition was made in the Presidency Conclusions of the March 2002 Barcelona European Council. According to EU leaders the ESM "is based on good economic performance, a high level of social protection and education and social dialogue."<sup>23</sup> Garabiol<sup>24</sup> interprets article 1.3.3 of TECE (setting Union objectives) as a further definition of the ESM "The Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress... It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States."

Among these many definitions, Sapir<sup>25</sup> argues that the European Social Model is a "misleading concept," and he adds that "there are in reality different European social models, with different features and different performance in terms of efficiency and equity." In fact, the famous typology of Esping-Anderson<sup>26</sup> (1990) suggested that in Europe there are mainly three different types of welfare states. Ferrera<sup>27</sup> added the Southern Mediterranean model to the existing three models.

Martin & Ross<sup>28</sup> also emphasize the ambivalent nature of the 'ESM' and point out that "Moving from ideal-type to reality reveals as many variants of the European model

<sup>21</sup> D. C. Vaughan-Whitehead, *EU Enlargement versus Social Europe? The uncertain Future of the European Social Model*, Edwad Elgar, 2003, p. 3.

<sup>22</sup> Ibid.

<sup>23</sup> S. Hermans, *The Social Agenda of the European Union and the Modernisation of the European Social model. Towards a modernisation of the European Social Model*, M. Vuijsteke and F. Olteanu, Collegium 33, 2005, p. 6.

<sup>24</sup> P. Garabiol, *Le modèle social européen ou la création d'une identité sociale européenne*, Les Policy Papers, Fondation Robert Shuman, 2005, p. 2.

<sup>25</sup> A. Sapir, *Globalization and the Reform of European Social Models*, Background document for the presentation at ECOFIN Informal Meeting in Manchester, 9 September 2005, p. 2.

<sup>26</sup> G. Esping-Andersen, *The Three Worlds...*

<sup>27</sup> M. Ferrera, *The Southern Model of Welfare in Social Europe. Income Maintenance Policy*, M. Hill, Edward Elgar, 2001.

<sup>28</sup> A. Martin, G. Ross, *Introduction: EMU and the European Social Model. Euros and the Europeans. Monetary Integration and the European Model of Society*, A. Martin and G. Ross, Cambridge, Cup, 2004, p. 11.

as there are Western European countries, each reflecting distinctive historical and political developments.” Similarly, Schelkle<sup>29</sup> argues that the European Social Model can be conceived only if it is not seen as an ideal type of Titmuss or Esping-Anderson welfare state classification.

On the other hand, Hyman argues that although there are varieties between the continental Western European models there are also important common aspects that are different from the American model which is based on deregulated labor markets. According to Hyman the clear difference between the American and the European way is a justification for the ‘European Social Model’ label.<sup>30</sup>

Hence, the defenders of the ESM put emphasis on common shared values and legislation both on the national and EU level in order to qualify it as a common European model. For them, the lack of any agenda of harmonization of member states’ social protection legislation or the lack of competence of the EU in this policy area, are misleading arguments aiming at denying the existence of the ESM. The defenders refer to core European values such as democracy, individual rights, free collective bargaining, equality of opportunity for all, and social welfare and solidarity.

On the other side of the line, Mullally<sup>31</sup> argues that although EU member states are coming from highly diverse economic and social policies, the EU institutions were decisive in advancing the idea of a ‘European Social Model’ seen as an instrument in the establishment of a common European identity. By doing so, the European Commission sought to define the EU in reference to some ‘other.’ Mullally explains that this practice is based alongside the general idea of the need to defend against globalization, firstly on the fears of the US, than the new big powers China, India and even Turkey.

In that respect, as the ‘spirit of capitalism’ recodes the boundaries of ‘American Exceptionalism,’ the ‘ESM’ discourse settles the boundaries of ‘European Exceptionalism.’ However, arguing that the European Social Model is a discursive construction does not mean that it is a fallacy; rather it is the reconstruction of the European ‘ethos’ as a meta-narrative. In a nutshell, this meta-narrative can be characterized by a functioning market economy, a developed social state and a tradition of negotiation of economic and social problems. Its basic arguments can be formulated as follows:

*Mixed economy:* Market failures are the rule rather than the exception. Government regulation is essential to tame the excesses of ‘savage’ capitalism. Market mechanisms may be impeccable for providing private goods but provision of public goods can not be left to the private sector.

*Social welfare:* Redistributive policies are necessary not only for maintaining social peace, but they are also necessary for sustainable economic growth. Redistribution policies create a virtuous circle by increasing demand and therefore increasing investments; the social contract, on the other hand, maintains financial stability since it

<sup>29</sup> W. Schelkle, *Can there be a European social model?*, CIDEI conference ‘Law and Democracy in Europe’s Post-National Constellation’, EUI, 2005, p. 4.

<sup>30</sup> R. Hyman, *Trade Unions and the Politics of the European Social Model*, “Economic and Industrial Democracy” 2005, no. 26 (1), p. 11.

<sup>31</sup> L. Mullally, *The social failure of the European Social Model. Beyond the European Social Model*, L. Mullally and N. O’Brien, Open Europe, 2006, p. 10.

moderates excessive wage or profit claims. Democracy is not an anonymous consensus determined by individual votes, but is a negotiation of organized interests where the State plays an intermediary role.

*State:* The state should not only play an active role in providing public goods but also actively take precautions against public 'bads,' externalities like pollution. The state should play an active role in providing education, health services and a healthy environment for the members of society. The state exists as an organized political bureaucracy with some efficiency for maintaining these services regardless of the political preferences of the ruling governments.

*Secularism:* Contrary to the moralism in the Americanization meta-narrative, religion is an issue of personal faith in the Europeanization meta-narrative. Religion is not an ethic of obligation, an ethos coded into the individual; is not a mode of life primarily imposed or inherited, but is an ethic of consumption where mode of life is a matter of personal choice. The European ethos separates 'believing from belonging.'<sup>32</sup>

### Actors and Reconstruction of the ESM

However, while the above formulation is a defined conceptual 'model' which defines how Europe is, or should be, the ESM as a figurative concept is far from being clear. As such, the ambiguous nature of the concept lets local actors influence the substance of the policies by taking active positions in the reinterpretation and re-construction of the concept.

The strategic manipulation of the ambivalent nature of the ESM by various interest groups on the one hand nourishes the dichotomy between supply side policy arguments and the European Welfare State; and on the other hand tries to reconcile the contradictory nature of social policy and competitiveness. Pochet,<sup>33</sup> in his analysis of the different strategies adopted by social and economical actors vis à vis the ESM, suggests four main groups of actors as ideal-types in the European economical and political arena.

The first two groups are derivatives of the big group of economists: mainstream economists and central bankers and analysts of endogenous growth. The first group is the dominant one among economists. Their objective is deregulation and the EU is to ensure the free and undistorted markets of product, service, labor and capital. The second group of economists follows a similar path on numerous points with the first group. The only difference is that growth can be generated by the investments in research, education, and lifetime training. Their influence depends on the place that they occupy in the Commission.

The third and fourth groups are the traditional Keynesian left and the moderate left. In opposition to the first two groups, which are almost convergent, these two groups

<sup>32</sup> G. Davie, *Religion in Britain Since 1945: Believing Without Belonging*, Blackwell Publishers, Oxford 1994.

<sup>33</sup> P. Pochet, *Le modèle social en débat: évolution récente des acteurs, stratégies et dynamiques. Projet de recherche: Stratégies pour l'avenir de l'Europe Sociale, Bilan social de l'Union européenne*, C. Degryse and P. Pochet, ETUI-REHS, Bruxelles 2006.

have highly divergent priorities, sometimes even irreconcilable. The third group underlines the importance of macroeconomic policies and employment for growth. According to them, Economic and Monetary Union must be changed. Therefore the Maastricht criteria must be modified and the European Central Bank should have the objective of full employment. The last group differs from the third one in the sense that it does not claim any fundamental change in monetary union. They demand more active demand policies and they defend the reinforcement of the political union which would be a solid base for the future social union. They also demand the addition of a new employment criterion. Focusing on issues of poverty and social exclusion, they propose lifetime training as an efficient response to globalization. They recognize globalization as a fact but suggest that its negative effects must be corrected.<sup>34</sup>

Pochet's detailed analysis traces three scenarios for the future. He names them 'Voice,' 'Loyalty' and 'Exit.' The 'Voice' scenario makes the assumption of a renewed alliance between the third and fourth group based on reinforced cooperation around Monetary and Economic Union. The 'Loyalty' scenario is based on an alliance between the second and fourth groups, willing to preserve the Lisbon Strategy. The 'Exit' scenario does not foresee any further alliance between the four groups.<sup>35</sup>

In a different vein, Jouen and Palpant<sup>36</sup> suggest four scenarios: the 'Laissez-Faire,' 'scénario du Grand soir,' 'Stratégie concertée de désarmement social' and 'Nouveau contrat social européen.' The first one suggests that the social dimension progresses due to the European Court of Justice or by the Council during the revision of directives. The second one is based on a new, ambitious social project. The third one foresees the complete autonomy of member states in the social field. And the last one promotes a 'New European social contract' based on harmonious reconciliation between economic and social objectives.

To sum up, following these arguments we can formulate two opposing variants of the ESM: a radical and a moderate one.

### **The Radical ESM discourse: Keynesian left, social-regulation of market**

According to this discourse, the emphasis on the ESM in the Treaty is not convincing. This claim is justified by the focus on the liberal aspect of the Treaty Establishing a Constitution for Europe (TECE). This discourse has played a crucial role in the rejection of the TECE. It posits itself in direct opposition towards a neo-liberal discourse. According to the radical discourse, the Treaty would not only prevent the preservation of the European Social Model but also block the deepening process of the EU. Weak economic growth, the enlargement process and the fear of delocalization of enterprises towards new member states where labor is cheaper, the threat of social dumping and

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<sup>34</sup> Ibid., pp. 1–14.

<sup>35</sup> Ibid., pp. 10–14.

<sup>36</sup> M. Jouen, C. Palpant, *Pour un nouveau contrat social européen*, Etudes et Recherches, no. 43, Notre Europe, 2005, p. 21.

a corresponding race to the bottom are the main elements of this discourse.<sup>37</sup> Accordingly, it depicts the ESM as a counter-narrative against globalization. Globalization is perceived as Americanization and the unique nature of the ESM has to be preserved in order to pursue political integration.

Thus, this discourse is opposed to the neo-liberal view of Europeanization as economic market integration promoted through supply-side policies. We can refer to the 'Keynesian Left' and partially 'Moderate Left' of Pochet's ideal-type classification as advocates of this discourse. According to them, the Lisbon strategy and the TECE, which share the same spirit, do not promote the ESM. They are critical about the rhetorical depiction of Europeanization as 'globalization with a human face.' In that manner, the 'third way' conception of the ESM is criticized for serving up a Europeanization project which is nothing more than Americanization.

### **Moderate ESM discourse: Third Way approach**

This discourse opposes the former by recognizing that the notions of liberalism and competition are not new, since they were the main principles of the Rome Treaty. The gradual improvement of the social dimension in the Community Acquis is underlined. From the Single Act to Nice, there is a constant progress. With the Maastricht Treaty, the social protocol; with the Amsterdam Treaty, the launch of the employment policy; with the Nice Treaty, the introduction of social inclusion; and with the 'open method of coordination' (OMC), the ESM has been achieved.

This discourse follows the approach adopted in the Lisbon Strategy and supports the TECE, considering that the Treaty includes new innovations in terms of social rights. According to the ETUC,<sup>38</sup> the Treaty only brings progress and no steps backward (ETUC). We can refer to 'Endogenous growth analysts' and the 'Moderate left' of Pochet's classification as defenders of this approach.

The moderate discourse of ESM is considered by many scholars as a paradigmatic shift, e.g.: "The paradigm of the European social model is that economy, employment and social policy form a policy 'triangle' in that they should mutually reinforce one another."<sup>39</sup> Hermans's 'triangle' concept is inspired by the Lisbon strategy's discursive reconciliation of 'competitiveness' with 'more and better jobs and greater social cohesion.' The Lisbon agenda suggests that positive interaction should generate a 'virtuous and sustainable cycle of economic and social progress.' The main argument of this discourse is that the ESM is not a burden for the European Economies as was argued over last two decades by neo-liberals. On the contrary it is the most important element of 'European Exceptionalism' and must be reoriented in accordance with the societal and economical needs of the current EU.<sup>40</sup>

<sup>37</sup> P. Garabiol, *Le modèle social européen...*, p. 7.

<sup>38</sup> ETUC The European Constitution. Resolution adopted by the ETUC Steering Committee on 13 July 2004 and endorsed by its Executive Committee. Available at: <http://www.etuc.org/a/141>.

<sup>39</sup> S. Hermans, *The Social Agenda...*, p. 6.

<sup>40</sup> Ibid., p. 8.

However, instead of representing a ‘paradigm shift,’ third way discourse of the ‘ESM’ is becoming a ‘fad.’ Jepsen and Pascual<sup>41</sup> point out that the ESM as a ‘growing European catchword’ is used to promote a third way approach distinct from both the US neo-liberal approach and a socially regulated market. They point out that the ESM is becoming an ‘empty signifier’ which means nothing and everything. We can see the re-confirmation of Jepsen and Pascual’s arguments when we examine the ‘rhetorical construction’ of the Lisbon agenda. Its language is full of such empty and/or floating signifiers: ‘to establish’ an ‘inclusive,’ ‘dynamic’ and ‘knowledge based’ economy; ‘to produce,’ ‘accelerated’ and ‘sustained’ economic growth; ‘to restore’ full employment; ‘achieved’ by the ‘best performing countries;’ ‘to modernize,’ ‘our’ social protection systems.

The ESM as articulating everything from economic growth and competitiveness to social inclusion and welfare protection may have different readings according to one’s socio-political stance. Embodying the text of the Lisbon agenda into its institutional settings, Sandy Hager’s<sup>42</sup> reading of the citizenship discourses of two of the Lisbon Agenda’s main supporters, (European business lobbies and the EU Commission) interprets it as a discursive articulation of a ‘neo-liberal communitarian’ variant of citizenship. Her reading of the Lisbon Agenda depicts it as a consolidation of the neo-liberal socio-economic governance model embedded in the dominant discourse of globalization disguised under the rhetoric of a ‘more social Europe.’

Accordingly, in its discursive form, Lisbon agenda may suggest a third way that would balance economic competitiveness with a dedication to creating a ‘social Europe.’ Per se, it discursively constructs Europe as an alternative model against globalization as Americanization. In this sense, it is a discursive strategy to distinguish Europe from the neo-liberal competitiveness discourse. It spans the boundaries of European exceptionalism by employing the ‘globalization with a human face’ rhetoric.

However, when taken within their institutional settings, we witness a convergence rather than a divergence in ‘neo-liberal’ globalization and ‘social’ Europe, as Hager rightly suggests. Moreover, this convergence is not only due to the embedded neo-liberal competitiveness discourse in the Lisbon Agenda, but is also due to a remarkable increase in the employment of the ‘social’ in the contemporary discourse of the IMF and WB. The language of these institutions is far from the ‘harsh’ technocrat neo-liberal tone of the 1980s. Rhetorical use of ‘policy metaphors’<sup>43</sup> such as ‘governance,’ ‘poverty,’ ‘inclusion’ nowadays abound in documents produced by these institutions. In this perspective we can refer to Jepsen and Pascual<sup>44</sup> in order to observe how some US labeled concepts are renamed in order to emphasize the ‘Made-in-Europe’ approach: Welfare as activation, flexibility as flexicurity, globalization as a knowledge-based society and corporate governance as social corporate responsibility.

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<sup>41</sup> M. Jepsen, A. S. Pascual, *The European Social Model: an exercise in deconstruction*, “Journal of European Social Policy” 2005, no. 15(3), p. 231.

<sup>42</sup> S. Hager, “New Europeans” For the “New European Economy”: *Citizenship Discourses and the Lisbon Agenda*, Department of Management and Economics, Linköpings Universitet, Sweden 2005.

<sup>43</sup> M. Doornbos, *Good Governance: The Rise and Decline of a Policy Metaphor?*, “Journal of Development Studies” 2001, no. 37 (6).

<sup>44</sup> M. Jepsen, A. S. Pascual, *The European Social Model...*, p. 243.

### Instrumentalization of the ESM

Therefore the ambiguity of the ESM concept and the lack of a clear definition provide a framework for various actors to subvert the meaning and subscribe their own interpretation in order to mobilize their policy initiatives. In a way, ESM discourse is instrumentally deployed to promote Europeanization in a dichotomous position for or against globalization. The ESM can be depicted as a counter argument against globalization or as a set of values compatible with globalization. Hence both the radical and moderate actors use globalization as an exogenous factor. For the former there is a need to preserve the ESM against the globalization threat concretized via social dumping, race to the bottom, delocalization processes. For the latter, globalization is a fact that requires urgent compliance, hence the ESM has to be reformed. In that matter, the ESM discourse is referred to in constructing political problems and therefore policy options and priorities.

### Conclusion: the European Dream

Per se, an instrumental approach to the ESM which stays within the dichotomous oppositions of the globalization discourse can hollow the Europeanization from its 'spirit' and reduce it to a disenchanted bureaucratic process. The 'Spirit of Europe' might have been considered as a rhetorical reconciliation of contradictory, opposing dichotomous objectives. However, the construction of Europe is impossible without such rhetoric to provide the actors with an 'esprit de corps' which short-circuits conventional dichotomies or hard ideologies.<sup>45</sup> In the political discourse, big words like the ESM are frequently called on to limit how we think about Europeanization and as such, are instrumentally manipulated by main stakeholders for political legitimacy. On the other hand, if provided with a spirit, 'social Europe' as a rhetorical form can be defined as a 'soft ideology'<sup>46</sup> which is permanently de-constructed and re-constructed in order to negotiate the main policy issues for Europeanization.

As Abeles emphasizes, 'Esprit Européen' is an unidentified project or an "objet politique non identifié" as defined by Jacques Delors. In that matter, it is a dream-work; a figurative performance like rhetoric; it gives life, power, and ethos to neutralized, sterile discursive formations. Figurative acts generate an ethos – an emotional tone, a set of feelings, moods and motivations – that transmogrify a social body; they make a dream come true for the believers. While discourse concerns the normative and cognitive prejudicial values of the representational mind, the non-representational performance of dream-work provides a way of understanding the constitution of the social body by its members in everyday activities. In other words, the dream reincarnates the ethos as the 'place of living.' Collective dream performances create an ambient atmosphere which connects the inflated sentiments to a group dynamic; they create an 'esprit

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<sup>45</sup> B. Jobert, *Représentations sociales, controverses et débats dans la conduite des politiques publiques*, "Revue Française de Science Politique" 1992, no. 42(2).

<sup>46</sup> Ibid.

de corps.' Fashioning an ethos ties the individual to the cosmos through a peculiar group dynamic where the ambience has the function of creating a collective body.<sup>47</sup>

Europeanization could be considered as an 'ideal' to be constructed as its discourse suggests. However, since Europe is also constituted by a diverse 'ethos' it discloses its "unity only through its multiplicity."<sup>48</sup> In this sense, the 'place of living' should not be understood as a closed geographical space but as a 'spirit' that connects the individual sensibilities of existence for making a dream come true.

In the Heideggerian sense to have spirit means to exist in front of the cosmos, relating one's problematical existence to the totality of Being. In that sense, the spiritualization of Europe is the deconstruction of neutralizing universalized discursive practices through regionalized interpretations. However, this sense of regionalization should not have to be taken as closed interpretations such as local geographical or cultural entities. Bureaucratic 'decentralization,' 'multiculturalism' or 'regionalization' discourses will not provide Europe with such a spirit. Rediscovering the 'Spirit' does not point to searching 'authentic' places of living or religious and cultural codes. Religious, national, regional closures of the boundaries of the 'ethos' would create totalizing counter-representations which at best lead to a co-habitation of closed communities. The alternative to the globalization discourse is not the cohabitation of the simulacra of diverse totalizing 'civilization projects' which appear to be 'hyper-local;' more local than local. Within this scope, *de facto* localized interpretations can be infinitely various, different and nuanced since social identities in themselves tend to be fragmented and social topology tends to follow fractal geometry rather than the Euclidean one.

Edgar Morin's<sup>49</sup> approach which grounds the common European ethos, not in spite of, but due to divisions and to contradictions clearly formulates the spirit of Europeanization. The European past is not rooted in cohabiting, fixed identical representations but is a direct result of diverse and contradictory interpretations of common archetypes and imaginary cultural structures. Morin defines Europe as a 'community of destiny' in order to demonstrate that Europe's future is the unfolding localized interpretations of the European past. This idea of Europe is transcultural rather than being multicultural. The coexistence of more than one ethos does not imply co-habitation of closed community ghettos, but implies the practices that produce cross-pollinations which gestate to create new breeds. The Spirit of Europe has emerged as a 'permanent dialogical state-of-becoming' evoking a permanent flush of new ideas, new theories, new projects and new forms that pour into a vortex. European identity is not the specific ideas, values or creeds but the becoming or the vortex itself that permanently deconstructs and reconstructs new forms. European exceptionalism does not only lie in the pluralism and the change but also in the rhetorical dialogue of contesting identities. European ethos has never been an alliance of cultures or civilizations. It has never been a cosy 'place of living' where an artificial impression of peace and harmony reigns.

<sup>47</sup> M. Maffesoli, *The Shadow of Dionysus: A Contribution to the Sociology of the Orgy*, Albany, State University of New York Press, 1993.

<sup>48</sup> E. Morin, *Penser l'Europe*, Gallimard, Paris 1990.

<sup>49</sup> Ibid.

What makes Europe exceptional is not the co-habitation of different communities; in this sense the ‘melting pot’ of America is and has been much more multi-communitarian than Europe. What made and makes Europe exceptional has been ‘war and peace,’ destructive and/or fertile transgressions between the cultural boundaries of the communities. The European ethos is the energy released by the quintessential ether embodied in the antagonistic unity between challenge and tolerance. Its aesthetic lies not in the order of a measured harmony but in the sublimation of violent transgressions. Europe is a restless continent of border crossings and border settings. After a century of wars and totalitarian experiences, for the first time in its history the Europeanization project attempts to sublimate border crossings not only in a devastating way but in a creative-destructive way.



ADAM SZYMAŃSKI

## The Prospects for the EU Membership of Turkey<sup>1</sup>

Turkey has been an official candidate for the European Union membership since 1999. It belongs to the most controversial countries with European aspirations and is the subject of a comprehensive broader debate in different member states, including Poland.<sup>2</sup>

The main question raised in the discussions concerns the prospects for the EU membership of Turkey. There are different opinions on this issue among scholars and analysts. Some of them, e.g. Ziya Öniş or Michael Emerson, are optimists claiming that Turkey can be a member of the EU. According to Öniş, the Turkish scholar from Koç University, the conditions are the fulfilment of the Copenhagen criteria as well as the strengthening of support of the Turkish accession among the member states.<sup>3</sup> Another group of researchers is rather pessimistic about the EU membership of Turkey – among them the well known German expert Heinz Kramer. He is a supporter of Turkish European aspirations, but sees the Cyprus issue as a fundamental obstacle which might lead to the total suspension of the accession negotiations.<sup>4</sup>

The author of this article is a very moderate optimist when it comes to the Turkish question. The thesis put forward is that Turkey has a chance to be a European Union member in the long term. However, the path of this country to the EU will certainly be very long and bumpy.

This article is the analysis of this path as well as obstacles encountered by Turkey during the pre-accession period. Its goal is to show the complicated network of problems on its way to the EU. They build a multidimensional structure in Turkey as well as in the European Union. The scale of these problems makes the prospects for Turkish accession very uncertain.

### The Current Negotiation Situation

Negotiations between Turkey and the EU started on 3 October 2005. The screening of 35 negotiation chapters – policy areas – ended a year later. In the meantime, only one chapter was opened and provisionally closed, i.e. Science and Research (12 June 2006).

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<sup>1</sup> This article was prepared with support of the Foundation for the Polish Science that awarded the scholarship to the author under the 2007 “Start” Programme.

<sup>2</sup> See more in: A. Giannakopoulos, K. Maras (eds.), *Die Türkei-Debatte in Europa*, VS Verlag für Sozialwissenschaften, Wiesbaden 2005; P. Kaźmierkiewicz (ed.), *EU Accession Prospects for Turkey and Ukraine. Debates in New Member States*, The Institute of Public Affairs, Warsaw 2006.

<sup>3</sup> Cf.: Z. Öniş, *Turkey's encounters with the new Europe: multiple transformations, inherent dilemmas and the challenges ahead*, “Journal of Southern Europe and the Balkans” 2006, no. 3, pp. 279–298; M. Emerson, *Dear Turkey, Play it Long and Cool*, “CEPS Commentary”, 15 December 2006, [www.ceps.be](http://www.ceps.be).

<sup>4</sup> Cf.: H. Kramer, *Türkei-Verhandlungen vor dem Aus?*, SWP-Aktuell 51, November 2006.

Problems already appeared then. First, a group of states, among others France, proposed to set as a condition for closing the chapter the introduction of the fulfilment of the Copenhagen criteria to the EU's negotiating position. Then, Cyprus refused to close this chapter until Turkey opened its harbours and airports to ships and planes from the Republic of Cyprus. In the end it gave in – thanks to the introduction to the EU's negotiating position of the Turkish obligation of the fulfilment of customs union regulations.<sup>5</sup>

This last issue caused problems for Turkey and accession negotiations at the end of 2006. Since this candidate country did not open its harbours and airports for ships and planes belonging to the Republic of Cyprus, the European Council decided at the summit in December 2006 to suspend negotiations in 8 chapters connected with customs union and ruled out the provisional closure of the rest of them until the fulfilment of the Turkish obligations under the protocol to the customs union agreement.<sup>6</sup>

In spite of this, during the German presidency there was an opportunity to open 4 chapters: industrial policy, statistics, economic and monetary policy as well as financial control. At the end of March 2007 the European Union agreed to open the first of the above mentioned chapters. The other chapters were opened at the end of June 2007, except for economic and monetary policy. Right after the French presidential elections there was a debate on the question of whether the new head of state, Nicolas Sarkozy, could block the accession negotiations. However, he denied this and claimed that the Constitutional Treaty issue was more important at that time. Nonetheless, France had objections concerning economic and monetary policy.<sup>7</sup> ‘Benchmarks’ or preconditions for the opening of 8 suspended chapters were also to be prepared by the end of the first half of 2007, but this did not happen during the German presidency.<sup>8</sup>

During Portugal's presidency only three other chapters are expected to be opened: Trans-Europe Networks, Education and Culture as well as Consumer and Health Protections. It is very difficult for Turkey to fulfil benchmarks for the opening of seven more chapters in 2007, i.e. Free Circulation of Capital, Public Procurement, Intellectual Property Law, Competition Policy, Agricultural and Rural Development, Taxation as well as Social Policy and Employment.<sup>9</sup>

In the last Accession Partnership (2006) it is said that Turkey has to fulfil the obligations of the Protocol to Customs Union by the end of 2007.<sup>10</sup> However, it is very diffi-

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<sup>5</sup> Cf. *Cyprus obstacle cleared, only for now*, “Turkish Daily News,” 13.06.2006, [www.turkishdailynews.com.tr/article.php?enewsid=46040](http://www.turkishdailynews.com.tr/article.php?enewsid=46040).

<sup>6</sup> Cf. *Brussels European Council, 14/15 December 2006. Presidency Conclusions*, [www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/92202.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf).

<sup>7</sup> Cf. H. de Breson, P. Ridet, *Bruxelles attend les choix de M. Sarkozy sur la Turquie*, “Le Monde,” 24.05.2007.

<sup>8</sup> See more in: C. Çamlıbel, *EU agrees to open second chapter on Thursday*, “Turkish Daily News,” 28.03.2007, [www.turkishdailynews.com.tr/article.php?enewsid=69328](http://www.turkishdailynews.com.tr/article.php?enewsid=69328); D. Güvenç, *Turkey-EU Association Council meeting postponed once again*, “Turkish Daily News,” 17.05.2007, [www.turkishdailynews.com.tr/article.php?enewsid=73406](http://www.turkishdailynews.com.tr/article.php?enewsid=73406).

<sup>9</sup> Cf. C. Aktar, *Forthcoming EU-Turkey events and non-events*, “Turkish Daily News,” 12.06.2007, [www.turkishdailynews.com.tr/article.php?enewsid=75593](http://www.turkishdailynews.com.tr/article.php?enewsid=75593).

<sup>10</sup> Cf.: *Decyzja Rady z dnia 23 stycznia 2006 r. w sprawie zasad, priorytetów i warunków ujętych w Partnerstwie dla członkostwa zawartym z Turcją* (2006/35/WE), [http://eur-lex.europa.eu/LexUriServ/site/pl/oj/2006/l\\_022/1\\_02220060126p\\_100340050.pdf](http://eur-lex.europa.eu/LexUriServ/site/pl/oj/2006/l_022/1_02220060126p_100340050.pdf).

cult because of both internal and external factors. The year 2007 is an election year (parliamentary and presidential elections in July and August respectively). Before the elections all parties, including the governing Justice and Development Party, did not want to lose the support of the Turkish electorate by taking highly unpopular actions such as the opening of Turkey's harbours and airports for ships and planes of the Republic of Cyprus. The fulfilment of the obligations is even more unlikely because of the increase in nationalism as well as the decline of support for EU membership among Turkish citizens.<sup>11</sup> 'The Protocol issue' is also complicated by the political instability in Turkey. The political turbulence connected with the presidential elections as well as the regional dimension of the Kurdish issue make it difficult to focus on the fulfilment of the UE obligations.<sup>12</sup>

External factors do not facilitate the situation either. First of all the European Union seems to be unwilling to take action in order to end the isolation of the northern part of Cyprus. The EU presidency and all member states are concentrating on the future of the Constitutional Treaty. The difficulties in relations between the EU and Turkey, e.g. the cancellation of the Association Council during the first half of 2007, reluctance to formally join the European Energy Community and to continue to supply troops to the joint battle group under the European Security and Defence Policy, do not facilitate the situation either.<sup>13</sup> Thus, it may change only after the elections in Turkey, and the primary stage of 'EU consolidation' as well as the improvement of EU-Turkey relations will become feasible. Assuming that the Turkish political crisis does not happen again and there is no incursion into Northern Iraq, it would be possible to take actions leading to the resumption of the negotiations in the 8 suspended chapters. However, it will not solve many other problems of the accession talks.

### Obstacles During the Accession Negotiations

There are two main documents that are determinants of the talks about the EU accession of Turkey, i.e. the Negotiating Framework for Turkey from October 2005 as well as the new enlargement strategy from November 2006.<sup>14</sup> Their regulations show how many obstacles Turkey can find on its way to the EU.

<sup>11</sup> Already Eurobarometer 65 from Spring 2006 (national report) indicated that only 44% of Turkish citizens treated the EU membership of Turkey as a good thing. Data: *Eurobarometre 65, Avrupa Birliği'nde Kamuoyu. Bahar 2006*, [www.ec.europa.eu/public\\_opinion/archives/eb/eb65/eb65\\_tr\\_nat.pdf](http://www.ec.europa.eu/public_opinion/archives/eb/eb65/eb65_tr_nat.pdf).

<sup>12</sup> See more in: A. Szymański, *Konsekwencje kryzysu politycznego w Turcji dla jej europejskich aspiracji*, "Buletyn" (Polish Institute of International Affairs), 16.05.2007, [www.pism.pl/bulletyn/files/20070516\\_436.pdf](http://www.pism.pl/bulletyn/files/20070516_436.pdf); *Turkey vows incursion into northern Iraq, after the blast*, "Turkish Daily News," 25.05.2007, [www.turkishdailynews.com.tr/article.php?enewsid=74103](http://www.turkishdailynews.com.tr/article.php?enewsid=74103).

<sup>13</sup> Cf. C. Aktar, *EU-Turkey events and non-events*, op. cit.

<sup>14</sup> See more in: *Negotiating Framework for Turkey*, [www.europa.eu.int/comm/enlargement/docs/pdf/st20002\\_en05\\_TR\\_framedoc.pdf](http://www.europa.eu.int/comm/enlargement/docs/pdf/st20002_en05_TR_framedoc.pdf); *Communication from the Commission to the European Parliament and the Council. EU Enlargement Strategy and Main Challenges 2006–2007 (including annexed special report on the EU's capacity to integrate new members)*, Brussels, 8.11.2006, Com (2006) 649, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2006/nov/com\\_649\\_strategy\\_paper\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/com_649_strategy_paper_en.pdf).

The Negotiating Framework for Turkey clearly indicates that “negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand.”<sup>15</sup> There are many hurdles that can slow down or even stop the Turkish race.

The strategy underlines the obligation of candidates to fulfil the rigorous membership conditions. The Negotiating Framework gives priority to the political Copenhagen criteria. According to the latter document, progress in this area will continue to be closely monitored by the Commission which will report regularly on it to the Council of the European Union. Besides it recognises the comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded, comprehensive settlement and progress in the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus as well as the resolution of border disputes with neighbours as conditions for the conclusion of talks. It will not be easy. Turkey still has many problems in the process of democratisation. According to the last report of the European Commission from November 2006 this country still does not guarantee minority rights (Kurds, religious minorities), freedom of speech, rights of women and trade unions. Civilian control over the army also leaves a lot to be desired. New laws are very often not implemented.<sup>16</sup> When it comes to foreign policy, the Cyprus issue as well as disputes with Greece and Armenia remain unsolved.<sup>17</sup>

It complicates the negotiations because of the role played by the principle of conditionality – one of the main pillars of the EU enlargement strategy. It states that any progress in the accession process depend on a country’s progress in making reforms. Turkey has slowed down the political reforms in 2005. Moreover, some new laws seem to be more undemocratic than their previous versions. The new antiterrorist law from 2006 (partially vetoed by the former President Ahmet Necdet Sezer) is the best example. Its regulations may limit to a large extent the personal rights of Turkish citizens.<sup>18</sup>

The Negotiating Framework for Turkey states: “In the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for possible resumption. The Council will decide by qualified majority on such a recommendation, after having heard Turkey, whether to suspend the negotiations and on the conditions for their resumption.”<sup>19</sup> The situation in Turkey is not sufficiently bad at the moment to initiate this procedure. However, it cannot be ruled out that the EU will use it in the future. All depends on the political situation in Turkey and northern Iraq.

<sup>15</sup> *Negotiating Framework for Turkey*, op. cit., p. 1.

<sup>16</sup> Cf. *Commission Staff Working Document. Turkey 2006 Progress Report*, Brussels, 8.11.2006, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2006/nov/tr\\_sec\\_1390\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf), pp. 5–23.

<sup>17</sup> See more in: A. Balcer, *Bieg z przeszkodami – najważniejsze wyzwania polityczne i społeczne na drodze Turcji do Unii Europejskiej*, [in:] A. Balcer, R. Sadowski, W. Paczyński, *Turcja po rozpoczęciu negocjacji z Unią Europejską – relacje zagraniczne i sytuacja wewnętrzna*, OSW Report, Part I, Warsaw, December 2006, pp. 5–51.

<sup>18</sup> Cf. V. Aytar, *A Bleaker Future Now? Report on the New Amendment to the Anti-Terror Law*, TESEV, [www.tesev.org.tr/eng/events/AntiTerrorLawReport.pdf](http://www.tesev.org.tr/eng/events/AntiTerrorLawReport.pdf).

<sup>19</sup> *Negotiating Framework for Turkey*, op. cit., p. 3.

One of the pillars of the Enlargement strategy is communication. Member states have the obligation to communicate better to the EU citizens the advantages and the challenges of enlargement. The Strategy also provides for the political and economic dialogue between the EU and both the candidate and member states.<sup>20</sup> These elements can also slow down the accession negotiations with Turkey. The EU and this state have to work together to convince the societies about Turkish membership. It is a very difficult task. Public opinion surveys indicate that support for the accession of Turkey to the EU is low – now both in Turkey and the EU countries. In 2006 only 13% of Austrian citizens and 27% of Germans were in favour of Turkish accession.<sup>21</sup> The survey about Turks was mentioned earlier. Initiatives to date, e.g. the information strategy of the European Commission from 2004, have not been implemented yet.

The Negotiating Framework for Turkey says: “In accordance with the conclusions of the Copenhagen European Council in 1993, the Union’s capacity to absorb Turkey, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey. The Commission shall monitor this capacity during the negotiations, encompassing the whole range of issues set out in its October 2004 paper on issues arising from Turkey’s membership perspective, in order to inform an assessment by the Council as to whether this condition of membership has been met.”<sup>22</sup> The absorption or rather integration capacity is the core element of a new approach to the enlargement process. It was developed and specified in the enlargement strategy. According to this approach, the EU can take a decision about the enlargement when after the accession of a country “its institutions continue to act effectively, (...) its policies meet their goals, and (...) its budget is commensurate with its objectives and with its financial resources.”<sup>23</sup> This may also delay progress in the accession negotiations with Turkey. The EU will review the influence of the Turkish membership on the Union’s institutions, policies and finances at all key stages of the accession process. Turkey is a big country with the dominance of the agricultural sector and with the huge discrepancies in the economic development of regions, which will be an obstacle on the Turkish way to the EU.

Additionally, it must be underlined that the enlargement in 2007 teaches the EU some lessons. It is said in the enlargement strategy that the problems of corruption as well as the valid functioning of administration and judiciary will be tackled by the European Commission already at an early stage of the accession process.<sup>24</sup> It will also complicate negotiations with Turkey. Although in 2006 this country improved its position on the Transparency International Corruption Perceptions Index, it is currently in 60<sup>th</sup> place behind such countries as Salvador or Colombia.<sup>25</sup> Its administration is ineffective. The Turkish judiciary is not fully independent of the influence of the secular es-

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<sup>20</sup> Cf. *Communication from the Commission...*, op. cit., pp. 6 and 21–22.

<sup>21</sup> Data: *Attitudes towards European Union Enlargement*, Special Eurobarometer, March–May 2006, [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_255\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_255_en.pdf).

<sup>22</sup> *Negotiating Framework for Turkey*, op. cit., p. 2.

<sup>23</sup> *Communication from the Commission...*, op. cit., p. 18.

<sup>24</sup> Ibid., p. 5.

<sup>25</sup> Data: *The 2006 Transparency International Corruption Perceptions Index*, [www.infoplease.com/ipa/A0781359.html](http://www.infoplease.com/ipa/A0781359.html).

tablishment as well as the Kemalist ideology.<sup>26</sup> These issues belong to the problems of the Turkish political system which cannot be changed quickly.

All these rules and mechanisms will be used during the negotiations by those countries that are reluctant to support the Turkish accession (e.g. France, Austria or Cyprus). In the Negotiating Framework for Turkey it is said: “Building on the Commission’s Regular Reports on Turkey’s progress towards accession and in particular on information obtained by the Commission during screening, the Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter.”<sup>27</sup> The member states decide then unanimously about the opening or closure of the negotiation chapters and can delay these actions, signalling the lack of fulfilment of the above mentioned elements of the Negotiating Framework for Turkey and the enlargement strategy.

The EU countries opposing Turkish accession will at the same time propose ‘Plan B,’ i.e. concepts that are alternatives for the membership of Turkey in the Union. This is possible, especially as in the Negotiating Framework for Turkey it is said: “if Turkey is not in a position to assume in full all the membership obligations it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.”<sup>28</sup> The alternatives have already been presented by the European politicians (inspired by scholars) especially from Germany and France. German Christian Democrats propose “privileged partnership” and lately also the concept of a “European Economic Area Plus” as well as “gradual membership.”<sup>29</sup> French president Nicolas Sarkozy supports the establishment of “a Mediterranean Union” that would also include Turkey.<sup>30</sup> These, or other new concepts, can be developed by some EU countries as time goes by.

### **Other Difficulties on the Turkish Path to the EU**

Even if the accession negotiations with Turkey end successfully, the EU membership of this country will still not be certain. The Accession Treaty will have to be ratified by the member states. It is difficult to predict which countries will choose the referendum path. So far it is certain that France and Austria plan to give their citizens

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<sup>26</sup> Cf.: *Commission Staff Working Document. Turkey 2006 Progress Report*, op. cit., pp. 6–10; D. Barchard, *The Rule of Law*, [in:] M. Lake (ed.), *The EU&Turkey: a glittering prize or a millstone?*, Federal Trust for Education and Research, London 2006, pp. 87–106.

<sup>27</sup> *Negotiating Framework for Turkey*, op. cit., p. 9.

<sup>28</sup> Ibid., p. 1.

<sup>29</sup> See more in: M. Wissmann, *Eine ‘Privilegierte Partnerschaft’ als Alternative zu einer EU-Vollmitgliedschaft der Türkei. Aktuelle Fassung des Positionspapiers vom 22.01.2004*, [www.interkultureller-rat.de/Themen/Tuerkei\\_EU/Dokumentation-Anlagen/wissmann.pdf](http://www.interkultureller-rat.de/Themen/Tuerkei_EU/Dokumentation-Anlagen/wissmann.pdf); E. Brok, *Eine neue Erweiterungsstrategie für die EU*, “Politische Meinung,” no. 433, Dezember 2005, pp. 17–18; M. Wissmann, *Das Modell der gestuften Mitgliedschaft. Neue Strategien für künftige Erweiterungsritte der EU*, “Internationale Politik,” no. 61, Mai 2006, pp. 66–68.

<sup>30</sup> See more in: F. Özerkan, *Mediterranean project vs. EU: An illusion or reality for Turkey*, “Turkish Daily News,” 30.05.2007, [www.turkishdailynews.com.tr/article.php?enewsid=74479](http://www.turkishdailynews.com.tr/article.php?enewsid=74479); M. Wiegel, *Im Süden sieht Sarkozy die Zukunft Europas*, “Frankfurter Allgemeine Zeitung,” 08.02.2007, [www.faz.net](http://www.faz.net) (Archiv).

the opportunity to decide about the EU membership of Turkey. The problem of convincing those societies will arise here once again. It is not only about Turkey, but also about the whole process of EU enlargement. According to Eurobarometer 67 only 28% of Austrians and 32% of French citizens support further EU enlargement rounds.<sup>31</sup> The first step to change the negative attitude of societies towards this process should be progress in the internal consolidation of the EU – among other things the positive outcome of works on institutional reform. Then the EU should take actions to implement the above mentioned principles and rules of the enlargement strategy, i.e. communication as well as political and economical dialogue. Turkey for its part will have to prepare a comprehensive information strategy and conduct an effective information campaign in order to fight against the stereotypes concerning this candidate country.

When Turkish citizens decide in a referendum about the EU membership of their country, this state will have a task to change the negative attitude of Turks towards the Union and the membership of Turkey in this structure. It will be difficult not only due to internal factors (more about these later), but also because of the actions of the EU and its members. The current negative position is caused, among other things, by the ‘double standards’ used by the Union in talks with Turkey, by the resolutions of national parliaments recognising the Armenian massacres in 1915–1916 as genocide, adoption by the French lower house of parliament of a law that penalises genocide denial as well as tensions between Muslims and Christians (i.e. the cartoons issue, the lecture of pope Benedict XVI in Regensburg).<sup>32</sup>

Ratification by national parliaments is also not certain. Everything will depend on the political profile of the ruling majorities at the time of ratification of the treaty. The accession of Turkey tends to have the backing of governments of the left (with exceptions) espousing the idea of an open, secular, multicultural and democratic Europe, and to be opposed by ones wedded to a vision of Europe founded on the principles of democracy but with rigid boundaries demarcated by the cultural element, i.e. the Christian tradition.<sup>33</sup> It will be difficult to vote for the Turkish accession if in a given country parties sharing the latter view build the governing coalition. This factor will also play a role in the case of ratification of the possible Accession Treaty by the European Parliament.

It must be underlined that apart from all these difficulties there are also systematic problems – both on the European and Turkish side – which are fundamental obstacles on the path of Turkey to the EU. The European Union, as has already been said, has to conduct institutional reforms. Moreover, European politicians must have a clear vision of a future united Europe. They should answer the question what sort of EU they want. Only then is it possible to have a clear position on Turkish membership. If they come to the conclusion that the ultimate aim is to build a strong and secure, as well as open and multicultural European Union, then it will be easier to talk about the accession of Turkey to this structure.

<sup>31</sup> Data: *Eurobarometer 67, Public Opinion in the European Union. First Results, June 2007*, [http://ec.europa.eu/public\\_opinion/archives/eb/eb67/eb\\_67\\_first\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb67/eb_67_first_en.pdf), p. 32.

<sup>32</sup> Cf. A. Balcer, *Bieg z przeszkołami...*, op. cit., pp. 13–14.

<sup>33</sup> Cf. Z. Öniş, *Turkish Modernisation and Challenges for the New Europe*, “Perceptions: Journal of International Affairs,” Autumn 2004, pp. 17–22.

When it comes to internal Turkish matters, it is important for Turkey to solve the problems connected with the pillars of the Republic. There are two principles of the Turkish constitutional order and at the same time of the Kemalist ideology that create difficulties in the accession process, i.e. nationalism (*milliyetçilik*) and laicism (*laiklik*). If they are treated as dogmas that cannot be changed regardless of determinants, they cause problems with fulfilment of the political Copenhagen criteria – respect for democracy, human rights and the rule of law.<sup>34</sup> For instance, the Kurdish problem is connected with the material aspect of Turkish nationalism, i.e. the principle of the indivisibility of state and nation. Without the flexible interpretation of this principle it is even difficult to recognise minorities, not to mention the protection for their rights.<sup>35</sup>

It is a very complex problem going beyond the question of the model of state and society. Especially as far as nationalism is concerned it is also a problem of the way of thinking both of the Turkish political elites and ordinary citizens. Scholars mention the ‘Sevres Syndrome’ which is based on the conviction that the Western countries support separatist tendencies in order to resurrect the Treaty of Sevres, as well as on the fear of state disintegration and loss of sovereignty.<sup>36</sup> According to a survey conducted by Hakan Yılmaz from the Bosphorus University in Istanbul, 36.1% of Turks claimed in 2003 that reforms required by the EU were no different from the conditions of the Treaty of Sevres. In 2005 already 48.4% of Turkish citizens shared this opinion. The same survey indicates that 66.6% of Turks were convinced in 2003 that the European countries supported such Kurdish separatist organisations as the PKK (in 2005 it was already 68% of the respondents).<sup>37</sup> It will be very difficult to change the attitude of the society. It could be a long process, making the prospect of Turkish accession more distant.

There are two other issues worth mentioning. Firstly, it can be seen clearly that there is a vicious circle concerning the relations between the prospects of EU membership of Turkey and internal changes in this country. Turkey needs more political and economic reforms in order to fulfil the Copenhagen criteria and gain the ultimate goal – membership of the EU. On the other hand, the prospect of Turkish accession is an indispensable incentive to conduct such reforms. When this prospect is more and more distant and the member states start talking about the alternative concepts, then Turkey loses the factor that mobilises the elites and the society to continue the changes in the country.

Secondly, internal and external instability is also a basic obstacle on the Turkish path to the EU. There are still events which hinder maintaining the political order in the

<sup>34</sup> For more on the principles of the Turkish constitutional order see: A. Szymański, *System konstytucyjny Turcji*, Wydawnictwo Sejmowe, Warsaw 2006, pp. 20–26.

<sup>35</sup> See more in: Ch. Rumpf, *Minderheiten in der Türkei und die Frage nach ihrem rechtlichen Schutz*, “Zeitschrift für Türkeistudien” 1993, no. 2, pp. 173–209.

<sup>36</sup> Cf.: D. Jung, *Türkei: Der erschütterte Leviathan*, “Blätter für deutsche und internationale Politik” 1998, no. 10, pp. 1178–1179; N. Canefe, *The Turkish contract of citizenship and the Union model. Limits of convergence*, [in:], *Turkey and European Integration. Accession prospects and issues*, M. Uğur, N. Canefe (eds.), Routledge, London–New York 2004, p. 227.

<sup>37</sup> Data: H. Yılmaz, *Türkiye'de Muhabazakarlık – Aile, Din, Devlet, Bati*, Boğaziçi Üniversitesi, Mart 2006, [www.sistemyon.com.tr/Documents/cesitli-sunular/belge11/Turkiyede-Muhabazakarlik.ppt](http://www.sistemyon.com.tr/Documents/cesitli-sunular/belge11/Turkiyede-Muhabazakarlik.ppt), p. 54.

country and in its neighbourhood. As mentioned before, the best examples in 2007 are: the tensions between the secular establishment and the religious-conservative groups reflected during the crisis connected with the presidential elections in April/May 2007 as well as the problem of northern Iraq and the PKK's camps on its territory.

### **Conclusions**

Taking into consideration all these short- and long-term, internal and external, formal and informal obstacles on the Turkish path to the European Union, it cannot be ruled out that the process of integration of Turkey with this structure may be stopped at one stage or another. It is possible that this candidate country will not be able to overcome the obstacles – coming both from the Turkish and European sides.

However, the European direction of Turkish foreign policy should be maintained. The relations between Turkey and the EU members are too developed (especially on an economic level) for this state to change its priorities. Relations with Russia or Middle East countries have improved in recent years, but there still exist some problems.<sup>38</sup> It is not probable, then, that Turkey can turn to these regions and states, as pondered by some scholars.<sup>39</sup> If the accession talks stop or the ratification process fails, this country can accept only such a solution which will not rule out the prospect of membership in the future. It might be something similar to the mentioned concept of 'gradual membership,' which also enables a state to take part in decision making on the EU level. This idea provides for incremental attainment of full EU membership. It would begin with negotiations in the policy areas which are not yet fully 'communitised' and then move on to ones where integration is furthest advanced. Consequently the first step would be to bring Turkey into the CFSP framework. Next would come participation in Justice and Home Affairs, Economic and Monetary Union and Schengen Agreement arrangements, and the process would end with entry into the Internal Market, which would mark achievement of full membership.<sup>40</sup>

It will not be full membership, at least not at the beginning. However, the question is if there is a possibility for Turkey to be a full member, even if it finally joins the European Union. The Negotiating Framework for Turkey provides some restrictions on rights and freedoms of the member state. In this document you can read: "Long transitional periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be con-

<sup>38</sup> See more in e.g.: S. Çağaptay, N. Gençsoy, *Improving Turkish-Russian Relations: Turkey's New Foreign Policy and Its Implications for the United States*, The Washington Institute for Near East Policy, "Policy Watch," no. 942, 12.01.2005, [www.washingtoninstitute.org/templateC05.php?CID=2219](http://www.washingtoninstitute.org/templateC05.php?CID=2219); K. Kirisci, *Turkey's Foreign Policy in Turbulent Times*, Chaillot Paper no. 92, European Union Institute for Security Studies, Paris, September 2006, [www.iss-eu.org/chaillot/chai92.pdf](http://www.iss-eu.org/chaillot/chai92.pdf), pp. 62–79.

<sup>39</sup> Cf.: F. Hill, O. Taşpinar, *Turkey and Russia: Axis of the Excluded*, "Survival," Spring 2006, pp. 81–92; S. Çağaptay, *Islamists in Charge*, "Wall Street Journal Europe," 18 August 2006, [www.washingtoninstitute.org/templateC06.php?CID=965](http://www.washingtoninstitute.org/templateC06.php?CID=965).

<sup>40</sup> Cf. C. Karakas, *Gradual Integration – An Attractive Alternative Integration Process for Turkey and the EU*, "European Foreign Affairs Review" 2006, no. 11, pp. 311–331.

sidered. The Commission will include these, as appropriate, in its proposals in areas such as freedom of movement of persons, structural policies or agriculture.”<sup>41</sup> Does this issue create the determinants for the full membership in the EU?

(The article was finished on 20 June 2007)

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<sup>41</sup> *Negotiating Framework for Turkey*, op. cit., p. 7.

WOJCIECH FORYSINSKI  
PRZEMYSŁAW OSIEWICZ

## Should Poland Support EU Membership for Turkey? Convergent and Divergent Interests<sup>1</sup>

### The Legal Basis of Polish-Turkish Relations After 1989

The social as well as political changes which were initiated in Poland in 1989 resulted in the intensification of Polish-Turkish relations. This process could be observed at various levels, including contacts between high level state officials representing Poland and Turkey as well as private enterprises and individuals. It resulted in a growing need for a new legal framework meeting expectations and requirements of both sides.

The most important document relating to the bilateral relations between Poland and Turkey was signed in Warsaw on 3 November 1993. ‘The Agreement on Friendship and Cooperation Between the Republic of Poland and the Republic of Turkey’ was concluded for 10 years with an option of automatic prolongation every five years. Termination of the agreement requires prior written notification.

As far as Turkey’s application for EU membership is concerned, Article 3 of the Agreement provides that “Both sides will act with the aim of removing differences in development in Europe and in transforming the European continent into an area of common welfare and cooperation.”<sup>2</sup> It should be emphasized that when the Agreement was concluded the EU and NATO membership of Poland was still a distant prospect. The Polish side counted on Turkish support within the North Atlantic Treaty Alliance and in its relations with European institutions. Turkey, as a NATO member since 1952 and a country associated with the European Economic Community since 1963, was seen as one of the most important partners for Poland. Undoubtedly, the Turkish government fulfilled its obligation when Poland was accepted as a new NATO member in 1999. At present, following Poland’s accession to the EU in May 2004, Article 3 must now be interpreted as obliging it to support Turkey’s bid for EU membership.

Polish-Turkish relations have been very intense, especially since 2003 when Poland was preparing to join the Union. The Minister of Foreign Affairs of the Republic of Tur-

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<sup>1</sup> The article will be also published in “Marmara” – a scientific journal published by Marmara University European Community Institute in Istanbul.

<sup>2</sup> *Układ o przyjaźni i współpracy między Rzeczypospolitą Polską a Republiką Turecką z 3 listopada 1993 r., [in:] Stosunki międzynarodowe. Dokumenty i materiały 1989–2000*, Z. Leszczyński, A. Koseski (eds), Wyższa Szkoła Humanistyczna, Pułtusk 2001, pp. 278–279.

key, Abdullah Gül, visited Poland in February 2004. Four months later, on 1 June 2004, President Ahmet Necdet Sezer came to Warsaw in order to sign another agreement concerning further bilateral cooperation on political, economic, social, security and cultural issues. Furthermore, a special agreement relating to closer scientific cooperation was concluded.<sup>3</sup>

The Polish political scene changed following the parliamentary elections in 2005. As a consequence a new government dominated by right-wing parties was formed. Although they had not been in favor of Turkish membership of the EU before the elections, the coalition parties changed their attitude and decided to continue the policy of the previous cabinet. The new Minister of Foreign Affairs, Stefan Meller, visited Turkey from 13–14 April 2006 and met with Prime Minister Recep Tayyip Erdoğan in Ankara. The official purpose of the meeting was “to secure dynamism in the bilateral relations which both sides described as having been the best for 15 years.”<sup>4</sup> In this context the Turkish side expressed its gratitude to the Polish authorities for their long-standing support of its EU aspirations. As regards the technical talks, the representatives drew attention to increasing activity in economic relations as well as broad new prospects for future cooperation in the area of energy security. Later Foreign Minister Meller flew to Istanbul where he participated in the opening ceremony of the Chopin Association in Turkey and met with the director of the Topkapi Museum. The visit to the museum was organized in order to investigate the possibilities of potential cooperation between Turkish and Polish historians.

It should be emphasized that all these meetings between Polish and Turkish officials were very successful and were conducted in a very good atmosphere which strengthened bilateral relations between Turkey and Poland. All the agreements which were concluded created favorable conditions for further cooperation and determined its future development.

### **The Official Position of the Polish Authorities Concerning Turkey's Candidacy**

Polish policy towards Turkey is determined by the Polish government. As far as Turkish accession to the EU is concerned, no referendum on this issue will be held in Poland. It is clear that the role of the Polish authorities will be decisive in the future, hence declarations and opinions of consecutive presidents, prime ministers as well as ministers of foreign affairs need to be analyzed in detail.

During his visit to Poland in 2004, Turkish Minister for Foreign Affairs, Abdullah Güл, stated that he was sure of Polish support for Turkey's EU membership:

I would like to remind you that when the whole of Europe forgot about Poland, the Ottoman sultans remembered it. Of course in Poland, like in every other democratic country, there are different political views with regard to our membership of the EU.

<sup>3</sup> D. Pszczołkowska, *Polska chce Turcji w Unii Europejskiej*, “Gazeta Wyborcza,” 2 June 2004.

<sup>4</sup> P. Dobrowolski, *Wizyta Ministra Spraw Zagranicznych RP Stefana Mellera w Turcji w dniach 13–14 kwietnia 2006 r.* Source: [www.msz.gov.pl](http://www.msz.gov.pl).

Undoubtedly, we respect all of them; however, the most important are the official positions of Polish political leaders and the mainstream of public debate. We are certain that Polish leaders attach particular importance to Polish-Turkish relations. When Poland applied for membership of NATO, Turkey supported it.<sup>5</sup>

The above statement is confirmed if one analyses recent speeches and interviews with various representatives of the Polish authorities. The former President of Poland, Aleksander Kwaśniewski, clearly declared that he was in favor of EU membership for Turkey with full rights.<sup>6</sup> On 1 June 2004, during the official visit of Ahmet Necdet Sezer in Warsaw, President Kwaśniewski stated: "We also talked about the European Union and the President of Turkey congratulated me on the accession of Poland to the Community. We are ready to share our experience. Moreover, we will also support the Turkish accession negotiations which still require a great deal of work and commitment."<sup>7</sup> This statement not only proves Polish support for Turkey's EU accession in political terms, but is also tantamount to a declaration of technical support on which the Turkish side relies.

The pro-European policy of the Turkish government has also been supported by all Polish cabinets since 2001. Prime Minister Leszek Miller, a member of the Social Democratic Party (SLD) who was in office between 2001–2004, visited Ankara on 7 April 2003. During his short stay in the Turkish capital the Polish Prime Minister met with Recep Tayyip Erdoğan in order to discuss the then situation in Iraq. Furthermore, Leszek Miller seized the opportunity to assure the Turkish Prime Minister of Polish support for Turkey on its path to the EU. Although Poland had only just signed the Accession Treaty and was not in fact an EU member state at that time, such a declaration was very important for Recep Tayyip Erdoğan. Unfortunately, it did not have any measurable effect. The situation changed when a new cabinet, headed by Marek Belka, was formed in May 2004.

As Marczuk points out:

The fall of Miller's government resulted in extensive changes in the Polish foreign policy. The cabinet of Marek Belka paid attention to a strategic but neglected partner, namely Turkey. As regards the Turkish accession to the Community, the Polish Prime Minister supported the idea. Moreover, he even described Poland as an ambassador of Turkey within the EU.<sup>8</sup>

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<sup>5</sup> D. Warszawski, *Turcja jest atutem Europy – uważa szef tureckiej dyplomacji Abdullah Gul*, "Gazeta Wyborcza," 3 March 2004.

<sup>6</sup> Some EU politicians propose a 'privileged partnership' for Turkey as a substitute for full EU membership. Among them are German Chancellor Angela Merkel and Austrian Chancellor Wolfgang Schüssel. Privileged partnership is usually defined as deepened cooperation in the fields of defense, security and social contacts. In case of Turkey the main argument in favor of privileged partnership concerns an insufficient level of preparation on the part of the European Union for further enlargement. A. Rubinowicz-Gründler, *W Niemczech toczy się gorąca debata na temat ewentualnego przyjęcia Turcji do UE*, "Gazeta Wyborcza," 2 March 2004.

<sup>7</sup> Statement by Mr. Aleksander Kwaśniewski, President of the Republic of Poland delivered during the visit to Poland of Mr. Ahmet Necdet Sezer President of the Republic of Turkey. Warsaw, 1<sup>st</sup> June 2004. Source: [www.msz.gov.pl](http://www.msz.gov.pl).

<sup>8</sup> K. Marczuk, *(Nie)nowy partner?*, "Życie," 16 July 2004.

Prime Minister Marek Belka described the plan to embed Turkey in the process of European integration as “a fascinating project for Europe.”<sup>9</sup> Consequently, during the summit of EU leaders in December 2004 Poland supported the opening of accession negotiations with Turkey without any special preconditions. This policy of Marek Belka’s cabinet remained unchanged. In July 2005 the Vice-Minister of Foreign Affairs, Jan Truszczyński, commented on the Austrian proposal with regard to a privileged partnership as a substitute for full Turkish membership of the European Union: “We have never taken into consideration any privileged partnership between Turkey and the EU. No solution other than membership with full rights will be accepted by Poland.”<sup>10</sup> It should be emphasized that the Polish government stood by its promise on 3 October 2005 when the negotiations officially began.

The Minister of Foreign Affairs, Adam Rotfeld, in an interview with the daily “Rzeczpospolita” of 4 October 2005, declared that Poland still supported Turkish aspirations to join the EU. Furthermore, he criticized the Union for a lack of an unambiguous position on the issue:

If the Union wants to be treated seriously, it has to tell Turkey whether its participation in European integration is possible or not. We treat Turkey seriously and have our answer to the question. In our opinion Turkish membership in 10, 15 or 20 years will hasten further modernization of this country. It will be a good example for the whole Islamic world. That is the same logic which was adopted by the Allied Forces in the case of Germany or Japan after World War II. Well, it worked then, so it will also work this time in Turkey.<sup>11</sup>

Undoubtedly, Adam Rotfeld’s statement has been one of the most pro-Turkish opinions presented by the Polish authorities since they became interested in Turkish accession.

After the parliamentary elections of 2005 the new right-wing cabinet decided to continue the policy of its predecessors towards Turkey. The cabinet is formed by three parties, namely *Prawo i Sprawiedliwość* (PiS), *Samoobrona* and *Liga Polskich Rodzin* (LPR). Although the LPR represents a rather Euroskeptic point of view and does not support Turkish accession, it has no influence over the current Polish position as far as membership for Turkey is concerned. What is more, the main coalition party, *Prawo i Sprawiedliwość*, changed its stance on Turkey following the elections. Like the German CDU/CSU, PiS once opted for a privileged partnership for Turkey, currently however, it continues the policy introduced by its predecessors. Such a change proves that national interests became more important than party interests for members of PiS after their party had come into power. The new Minister of Foreign Affairs, Anna Fotyga, at the opening of the first chapter of EU-Turkey negotiations in June 2006, declared on behalf of Poland that she was against the so-called ‘EU’s absorption capacity’ being a new condition for candidate states. Although she primarily meant future membership for

<sup>9</sup> Ibid.

<sup>10</sup> J. Bielecki, *Polska wierna kandydatom*, “Rzeczpospolita,” 25 July 2005.

<sup>11</sup> J. Bielecki, *Traktujmy Turków poważnie. Wywiad z Adamem Danielem Rotfeldem*, “Rzeczpospolita,” 4 October 2005.

Ukraine, the declaration also applied to Turkey.<sup>12</sup> Also, the Speaker of the Lower Chamber of the Polish Parliament, Marek Jurek, during his visit to Ankara in July 2006 assured the Turkish Prime Minister as well as the Turkish chief negotiator, Ali Babacan, that Poland would “still support Turkey on its path to the EU.” He drew the attention of the Turkish authorities to the fact that both countries could co-operate in order to ensure European energy security.<sup>13</sup> Marek Jurek was at that time also a member of the ruling *Prawo i Sprawiedliwość* party.

On 23–24 January 2007 President Lech Kaczyński was in Turkey. During his visit to Ankara he declared, in the presence of Ahmet Necdet Sezer:

Our belief that Turkey should be an EU member is based on deep reflection. I stressed this fact during the talks. I do not conceal that it follows from the friendship that we have for the Republic of Turkey, but above all for the people of Turkey, from our remembrance of the fact that Turkey never recognized the partitions of Poland, but it also follows from our strategic belief that Turkey will make Europe, a uniting Europe, much stronger.<sup>14</sup>

All the above statements and opinions create a very positive picture of Polish-Turkish relations. They also show that Poland’s support for Turkey has not changed and is not determined by any political changes at home. Although this support cannot be associated with any specific convergent interests and is based more on political visions, especially of the future role of the EU, it constitutes the most important component of Polish-Turkish bilateral relations. The question is whether public opinion in Poland shares the views of political elites. Once Turkish membership of the European Union becomes an important part of political debate in Poland, political parties will tend to meet their voters’ expectations.

### **Polish Public Opinion: 2003–2006**

According to a survey conducted by Eurobarometer in the autumn of 2004, Poles were the biggest supporters of further EU enlargement. More than 78 percent supported the idea.<sup>15</sup> Interestingly, of the first ten countries where pro-enlargement opinion was the strongest eight were new member states.

The Public Opinion Research Center (CBOS) conducted a survey entitled ‘Opinions about further EU enlargement’ in November 2004.<sup>16</sup> Respondents were asked questions concerning the enlargement process. Furthermore, they had to grade particu-

<sup>12</sup> K. Niklewicz, *UE przelamala impas w sprawie negocjacji z Turcją*, “Gazeta Wyborcza,” 13 June 2006.

<sup>13</sup> A. Majda, *O gacie i Unii*, “Gazeta Wyborcza,” 10 July 2006.

<sup>14</sup> *Official Visit of the President of the Republic of Poland to Turkey, 23–24 January 2007*. Source: <http://www.president.pl/x.node?id=2011993&eventId=8027759>.

<sup>15</sup> R. Sołytk, *Polacy chętne większej UE*, “Gazeta Wyborcza,” 10 December 2004.

<sup>16</sup> The full text of CBOS Report BS/187/2004 *Opinie o dalszym rozszerzeniu Unii Europejskiej* [opinions about further EU enlargement] is available only in Polish on the following website: [www.cbos.pl/spiskom.pol/2004/k\\_187\\_04.pdf](http://www.cbos.pl/spiskom.pol/2004/k_187_04.pdf).

lar potential candidate states, for example, Turkey, Morocco or Ukraine (see Figure 2). The survey was conducted a month before the European Council decided to begin accession negotiations with Turkey.<sup>17</sup>

Firstly, respondents had to specify the criteria which should be taken into account while accepting particular countries. More than 68 percent pointed to a free-market economy as one of the most important criteria, while 57 percent marked defense of human rights and fundamental freedoms. Only 30 percent chose a true democratic system as an important factor. From the Turkish point of view, the most interesting questions concerned the Christian roots of candidate states. The outcome of the survey revealed that only 11 percent of Poles paid attention to the cultural background of potential new EU members.<sup>18</sup>

Taking into account the above results, the high level of support for the Turkish candidacy in Polish society is not surprising. Sixty-eight percent is a very good result, especially in comparison with the relatively low levels of support in France, the Netherlands or Germany.<sup>19</sup> It should be emphasized that in a similar survey conducted by CBOS in February 2003 this level was only 51 percent.<sup>20</sup> During the same period the number of people who were against Turkish accession decreased from 32 to 21 percent.

The tendency was demonstrated by another survey conducted on 16 May 2006 by PBS DGA. Sixty-two percent of respondents answered in favor of Turkish accession, only 15 percent were against and 23 percent were unable to decide. Even though the level of support was lower than in 2004, it remained very high. Incidentally, the average level of support for Turkey was 48 percent in the new member states and 32 percent in the so-called ‘old’ EU members.<sup>21</sup> According to one of the latest EU surveys, “Turkey’s accession would be opposed by 81 percent of Austrians, 69 percent of Germans and 68 percent of Greek Cypriots.”<sup>22</sup>

Such positive outcomes of surveys in Poland draw our attention to possible explanations. Historical background seems to be one of the most important factors. The Ottoman Empire’s almost legendary support for the non-recognition of the partition of Poland in the 19<sup>th</sup> century is well known to most Poles as it is taught in schools. The scale of Polish emigration to the Empire has been described in various books and

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<sup>17</sup> As mentioned above, the survey had been carried out between 5–8 November 2004, namely a month before the European Council decided to enter accession negotiations with Turkey in October 2005. In Poland, like in other new member states except for the Republic of Cyprus, possible consequences of such decision had been discussed publicly short before the summit in Brussels. As a matter of fact, the debate aroused neither as much controversy nor interest as in Germany or France, however, Poles were informed about the then political and social situation in Turkey.

<sup>18</sup> See: *Opinie o dalszym rozszerzeniu Unii Europejskiej*, CBOS Report BS/187/2004, op. cit.

<sup>19</sup> For example, in March 2003 only 21 percent of Dutch respondents accepted the plan concerning Turkish accession to the EU. See: *Postawy Polaków, Holendrów i Duńczyków wobec rozszerzenia Unii Europejskiej*, Raport CBOS BS/56/2003 z marca 2003 r. [the positions of Danes, the Dutch and Poles concerning EU enlargement – CBOS report of March 2003]. Source: [www.cbos.pl/spis-kom.pol/2003/k\\_056\\_03.pdf](http://www.cbos.pl/spis-kom.pol/2003/k_056_03.pdf). The above report is available only in Polish.

<sup>20</sup> Ibid.

<sup>21</sup> A. Jabłońska, *Półksiężyca w pełni*, “Wprost,” 9 October 2005.

<sup>22</sup> Schuessel believes Turkey won’t be EU member, “Turkish Daily News,” 3 August 2006.

articles.<sup>23</sup> Furthermore, many Poles traveled to Istanbul in order to trade with Turks during the economic crisis in Poland in the 1980s.

A pro-Turkish orientation in Poland is also visible in the Polish press. Most articles concerning Turkish membership support Ankara and the present convergent interests of Turkey and Poland, rather than potential threats or sources of conflict within the EU. Such articles appear in popular nationwide newspapers such as "Gazeta Wyborcza" and "Rzeczpospolita" or weekly magazines such as "Newsweek Polska," "Polityka" or "Forum." For example, 22 articles about Turkey and matters related to that country appeared in "Gazeta Wyborcza" and 8 in "Rzeczpospolita" between April and October 2004. The majority contained very positive opinions on Turkey's candidacy and its presumed influence on the international position of Poland.

Another argument concerns the lack of a Turkish minority in Poland. Turks who live and work in Poland are predominantly businessmen or specialists. Therefore they do not fit the Turkish minority stereotype which prevails in Germany, France or the Netherlands due to the significant number of Turks in these countries. For the time being Poles do not perceive Turks as potential competitors on the domestic labor market. Obviously this may change in the near future if Turks begin emigrating to and seeking employment in Poland, however, there is nothing to indicate such a scenario at the moment. The Polish labor market is still less attractive for Turkish citizens than those of Western Europe. Interestingly, although Poles support Turkish aspirations in relation to further EU enlargement, many of them will not accept the presence of Turkish emigrants in Poland. This phenomenon is presented in detail in the part of this paper concerning the divergent interests of Turkey and Poland.

Additionally, the Catholic Church in Poland is not opposed to Turkish membership. Its current stance could be described as neutral. In fact, the Polish episcopate has not as yet adopted any clear attitude in this case. Although some clergymen criticize the accession of an Islamic country to the EU, their voice is not strong enough to change the impression that the Church accepts this new political project.<sup>24</sup> Its attitude could be described as a 'soft yes' for Turkey.

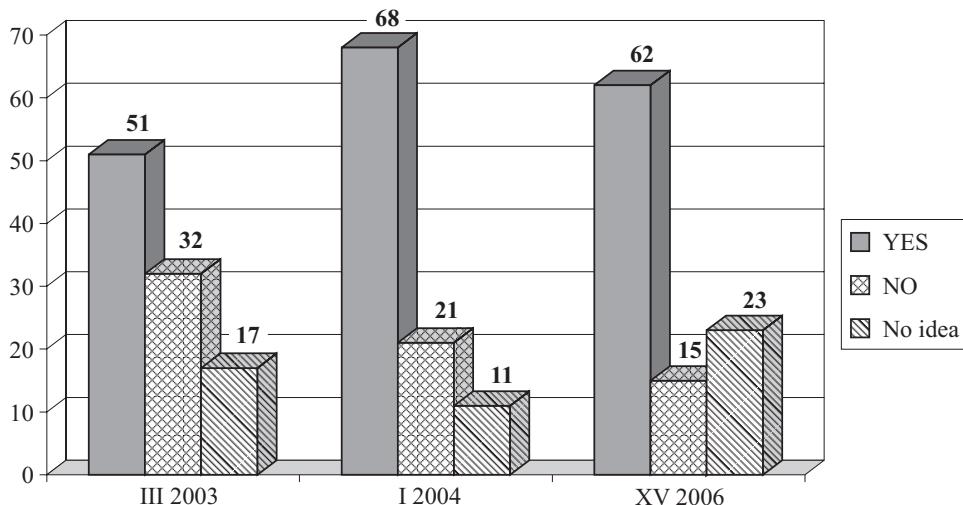
Last but not least, more and more Poles are choosing Turkey as a holiday destination. It is estimated that more than 60,000 Polish citizens visit the country each summer. Moreover, many people travel to Turkey on their own either for tourist or business purposes.<sup>25</sup> No doubt their impressions determine the way they present Turkey to relatives or friends.

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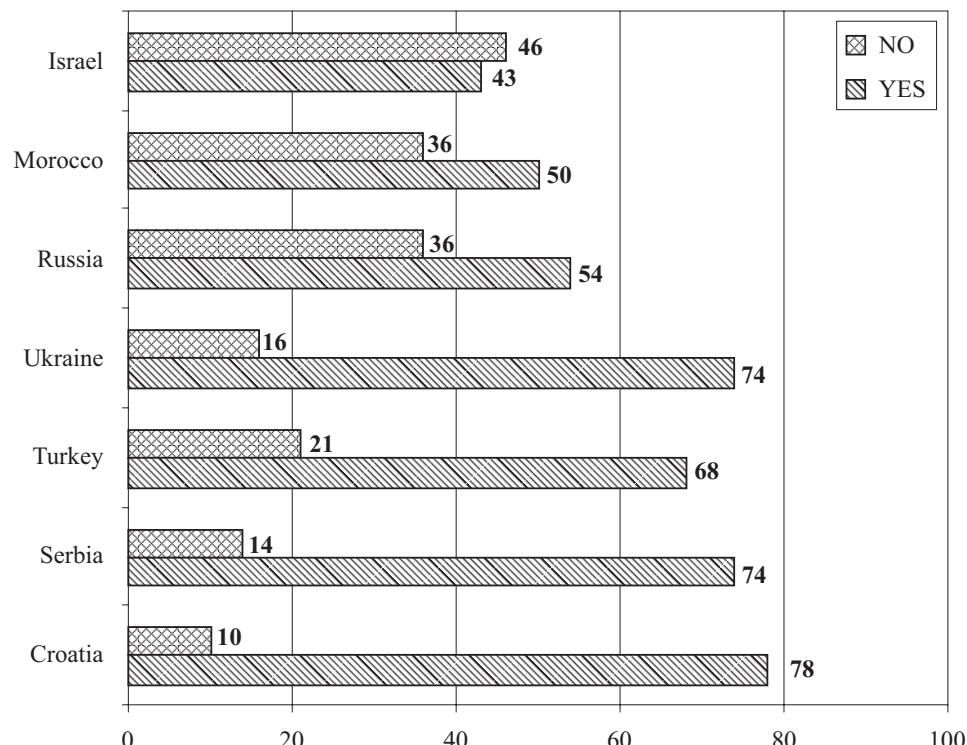
<sup>23</sup> So far a lot of books relating to the rich history of Polish – Turkish relations have been published in Polish. Here are a few examples: D. Chmielowska, *Polsko-tureckie stosunki dyplomatyczne w okresie międzywojennym*, Dialog, Warszawa 2006; J. S. Łątka, *Słownik Polaków w Imperium Osmańskim i Republiki Turcji*, Wydawnictwo Akademickie, Kraków 2005; J. S. Łątka, *Adampol – Polonezköy: 1842–1992*, Universitas, Kraków 1997; J. S. Łątka, *Odaliski, poturczenicy i uchodźcy. Z dziejów Polaków w Turcji*, Universitas, Kraków 2001.

<sup>24</sup> For example, the Primate of Poland, Józef Glemp, commented on the planned Turkish accession to the EU: "We do not want in Europe those people who once threatened us and were defeated in the Battle of Vienna of 1683 by King Jan III Sobieski. We do not want a culture which differs from ours." See: D. Warszawski, *Turcja jest atutem Europy...*, op. cit. Nevertheless, it should be emphasized that such radical opinions are very rare.

<sup>25</sup> J. Przybylski, *Kurdowie grożą obcokrajowcom*, "Rzeczpospolita," 28 June 2006.

**Figure 1. Are you in favour of the Accession of Turkey to the EU?**

The above figure is based on the findings of CBOS surveys of March 2003 (BS/56/2003) and November 2004 (BS/187/2004) as well as a survey conducted by PBS DGA in May 2006.

**Figure 2. Should the following countries join the EU in the future?**

The above figure is based on the findings of CBOS survey BS/187/2004 of November 2004.

## Convergent Interests

There are many areas in which Poland and Turkey have convergent interests. First of all, both countries share the same vision of future EU development as they represent the group of bigger member states in terms of territory and population. As their demographic structure is similar, Poland and Turkey will have similar expectations concerning future EU budgets as well as the shape of various EU policies. Moreover, Turkey will join the group of cohesion states. Therefore their interests will be similar in most cases.

Both the Polish and Turkish authorities conceive of the Russian Federation as a regional competitor. Therefore a political alliance against Russian interests could seem natural and advantageous. However, some researchers claim that Turkey should not be seen as a potential partner of Poland in its complicated relations with Russia. According to Adam Szymański, such a policy would be contradictory to Turkish interests.<sup>26</sup> Similarly, Suat Kınıklıoğlu came to the conclusion that the Turkish attitude towards Russia depends on the EU and the United States:

Should current trends continue, the Turkish-Russian relationship is likely to become a structural factor in the region. The relationship started out with modest trade, but quickly evolved with the addition of the energy dimension. External factors such as the European Union's reluctance to embrace Turkey as well as the frustration with the U.S. over the Iraq War have helped the relationship to acquire a political and strategic dimension.<sup>27</sup>

Yet it does not mean that Turkey does not compete with Russia in various fields and that there are no divergent interests between those two countries. This rivalry can be observed as far as security of energy supplies is concerned.<sup>28</sup> Currently Turkey is participating in a number of projects concerning infrastructure designed for gas and oil transit from the Caspian Sea as well as Central Asia. As Bacık points out:

Pipelines are the initial steps for Turkey to become a major energy player as a transit country. In an era when countries are increasingly looking to diversify their energy sources, Turkey hopes to establish itself as a kind of energy supermarket, knowing

<sup>26</sup> A. Szymański, *Przyszłe członkostwo Turcji w Unii Europejskiej – skutki dla Polski*, "Polski Przegląd Dyplomatyczny" 2006, no. 5, p. 42.

<sup>27</sup> S. Kınıklıoğlu, *The Anatomy of Turkish-Russian Relations*, "Insight Turkey" 2006, vol. 8, no. 2, p. 93.

<sup>28</sup> There are a lot of definitions of energy security or security of energy supply. According to Evelyne Bertel, of the Nuclear Energy Agency within the Organisation for Economic Co-operation and Development (OECD), "the notion of security of energy supply seems clear enough and may be defined in a broad sense as the lack of vulnerability of national economies to volatility in volume and price of imported energy. However, a precise definition of the concept specifying its boundaries is not easy to obtain. Security of energy supply has economic, social and political dimensions at the same time. Energy system analysts and economists can define the economic aspects, but the social and political dimensions are more difficult to capture. In addition, the analysis of energy system evolution shows that national policies aiming at security of energy supply have different objectives depending on the country context and global situation, and therefore follow different approaches." Source: E. Bertel, *Nuclear Energy and Security of Energy Supply*, "NEA News" 2005, no. 23.2, p. 4.

that controlling oil routes will turn out to be as strategically valuable as producing them.<sup>29</sup>

The European Union is interested in Turkey as a transit country, which is underlined in official documents.<sup>30</sup> However, potential cooperation with Turkey remains the key issue for those countries which have become dependent on monopolistic Russian suppliers such as Gazprom. According to Janusz Bugajski, a senior fellow at the Europe Program at the Center for Strategic and International Studies in Washington D.C.:

In this context, the Central-East European (CEE) states have a much higher level of dependence than the West European (WE) countries on a specific single source, Russia, for their oil and gas supplies. Simultaneously, their demand for energy continues to grow.<sup>31</sup>

Poland is a good example of a country which to a greater degree is dependent on Russian supplies. Therefore successive Polish governments have tried to diversify sources of energy in order to secure oil and gas supplies at a sufficient level. One of the long-term lines of activities of Poland is:

promotion of extending cross-border interconnections for the creation of an internal market in electricity and natural gas within the EU, and in order to ensure proper co-operation of this market with the emerging markets in third countries, in Eastern and Southern Europe, in the Caspian Sea, and the Mediterranean Sea regions.<sup>32</sup>

Close cooperation with Turkey would enable Poland to become independent of Russian supplies. For example, Polish companies could buy oil transferred from the Caspian oil fields via Turkish territory. As a matter of fact, Polish authorities are presently insisting on the introduction of a common European strategy for the security of energy supplies in which Turkey could play a primary role. The new approach stresses the need for diversification of supplies. Undoubtedly, Turkey is very interested in such a scenario, because it could as a result become a key player both in the Eastern Mediterranean and within the European Union. Furthermore, it would be able to compete effectively with Russia in Central Asia and provide the countries situated there with alternative ways of transferring their gas and oil to Europe. Meanwhile, Turkey has already become the main transit country in the Mediterranean. The Baku–Tbilisi–Ceyhan oil pipeline, the second longest in the world, was officially opened in July 2006.<sup>33</sup> Another major engineering project is currently under construction, namely a gas pipeline called “Nabucco”

<sup>29</sup> G. Bacık, *Turkey and Pipeline Politics*, “Turkish Studies” 2006, vol. 7, no. 2, p. 305. On the Turkish energy policy see also: A. Aydin, *EU’s Energy Policy and Turkey*, “Marmara” 2004, vol. 12, no. 1–2; J. Roberts, *The Turkish Gate: Energy Transit and Security Issues*, “Turkish Policy Quarterly” 2004, vol. 3, no. 4; B. Shaffer, *Turkey’s Energy Policies in a Tight Global Energy Market*, “Insight Turkey” 2006, vol. 8, no. 2.

<sup>30</sup> See: *Green Paper: A European Strategy for Sustainable, Competitive and Secure Energy*, Brussels 8 March 2006, COM (2006) 105 final, pp. 15–16.

<sup>31</sup> J. Bugajski, *Energy Policies and Strategies: Russia’s Threat to Europe’s Energy Security*, “Insight Turkey” 2006, vol. 8, no. 1, p. 141.

<sup>32</sup> *Energy Policy of Poland Until 2025. Document Adopted by the Council of Ministers on 4 January 2005*, p. 32.

<sup>33</sup> S. Arsu, *Baku – Ceyhan pipeline a great accomplishment*, “Cyprus Observer,” 14–20 July 2006.

in which Poland is very interested. In the future Kazakh and Iranian gas will be transferred this way through Turkish territory to Southeast and Central Europe.<sup>34</sup> The project could bring not only economic benefits but also political stability to the Balkans and the Caucasus. However, due to the unclear situation in Iran it may ultimately be necessary to fill the pipe with Russian gas. Borut Grgic claims that:

given Iran's enormous gas capacity and Russian objectives on the EU market, it is in Moscow's interest to drag out the Iranian nuclear crisis for as long as possible. This will ensure a permanent (or close to) rupture in the EU-Iran energy dialogue, which would above all serve Moscow's interests.<sup>35</sup>

Obviously such scenario is not desirable in terms of diversification of energy supplies to Poland. At the same time Turkey could secure profits from gas transit. In this case their interests would be rather divergent than convergent. Last but not least, Poland and Turkey as EU members could have a significant influence on a common European strategy for the security of energy supplies.

As far as oil is concerned, everything may depend on cooperation between GUAM and Poland.<sup>36</sup> There are plans concerning a new route which could go round Turkish territory from Georgia to Ukraine through the Black Sea.<sup>37</sup> The Polish authorities are undoubtedly very interested in activities and cooperation with GUAM, which is seen as an important element of national security of energy supplies as well as a political forum against Russian domination in the region. However, it should be underlined that such energy cooperation applies only to oil while any transit of gas from the Caspian Sea to Central Europe requires the participation of Turkey.<sup>38</sup>

Turkey is also in favor of closer cooperation with GUAM members as in this way it can secure its interests in the Caucasus as well as in the Black Sea region. Such a policy has a very long tradition as:

traditionally, the region has been a battleground between the Ottoman and Russian Empires. Following decades of imposed-stability the Caucasus once again became a region of competition after the disintegration of the Soviet Union. Turkey and Russia became opponents in the struggle to project influence over the Caucasus.<sup>39</sup>

<sup>34</sup> P. Wolski, *Gaz z Kazachstanu dla Unii*, "Dziennik," 18 May 2006; J. Strzelczyk, *Alternatywa Nabucco*, "Rzeczpospolita," 14 September 2005.

<sup>35</sup> B. Grgic, *Russian Energy Strategy: Risk Assessment for Europe*, "Insight Turkey" 2006, vol. 8, no. 1, p. 155. More on current Turkish-Russian relations: F. Hill, O. Taspinar, *Turkey and Russia: Axis of the Excluded?*, "Survival" 2006, vol. 48, no. 1.

<sup>36</sup> GUAM is a regional organization which groups four CIS states, namely Georgia, Ukraine, Azerbaijan and Moldova. "The group was created as a way of countering the influence of Russia in the area, and it has received backing and encouragement from the United States." Between 1999 and 2005 Uzbekistan belonged to the organization and then it was known as GUUAM. Source: <http://en.wikipedia.org/wiki/GUUAM>.

<sup>37</sup> Assuming that such scenario is possible in political and economic terms, oil will be transported from Kazakhstan and Azerbaijan to Georgia by pipelines. Then it will be loaded into oil tankers operating between Georgia and Ukraine. At the final stage oil will be sent from Ukraine to the biggest Polish refinery in Plock by pipelines. A. Łakoma, *Szansa na ropę bez Rosjan*, "Rzeczpospolita," 18 June 2007.

<sup>38</sup> Transportation of LNG in gas tankers through the Black Sea will not be competitive, although it is technically possible.

<sup>39</sup> S. Kınıklıoğlu, *The Anatomy of Turkish-Russian Relations*, op. cit., p. 87.

Obviously, Turkish political activity at present does not have a clear anti-Russian character. Rafet Akgünay, a Turkish Ministry of Foreign Affairs Deputy Undersecretary, emphasized in his speech in Istanbul on 29 June 2006:

We firmly believe in the indivisibility of security in the entire Euro-Atlantic area, consider the wider Black Sea region as an inseparable part of this overall security architecture and therefore remain open to the contributions of all interested parties in this regard. In this context, our guiding principle must be mutual understanding and respect for each other's view and assessments. We must not exclude anyone from these processes.<sup>40</sup>

However, the question is whether such official policy matches the reality. The existence of new sources of potential political conflict between Russia and Turkey is undisputed. Undoubtedly, Turkey intends to become a regional leader and such a strategy has to meet with Russian opposition. Poland could take advantage of the situation and create, together with Turkey and Ukraine, a very influential alliance stretching from Poland through the Black Sea and the Caucasus as far as Kazakhstan (the Black Arc).<sup>41</sup> In this context, good relations with Azerbaijan and Georgia open the gate to Central Asia not only for Turkey but also for Poland. It is vital as far as trade contacts and security of energy supplies are concerned. Since 2005 the Polish government has been trying to establish a political alliance against Russian domination in the Caucasus. Between 11–12 May 2007 the presidents of Azerbaijan, Georgia, Lithuania, Ukraine and a special representative of Kazakhstan were invited to Cracow by the President of Poland, Lech Kaczyński, where they participated in an energy summit. The leaders agreed on closer cooperation in the final communiqué:

Azerbaijan, Georgia, Kazakhstan, Lithuania, Poland and Ukraine have made great efforts to develop modern extracting industry, transit infrastructure and committed themselves to regional cooperation at the intergovernmental level. Their efforts are aimed at supply of energy from the Caspian Region to Europe. That goal will be served by the diversification of resources and ways of their transportation, on the basis of their commercial efficiency, linking the Caspian and Black Sea basin with the region of the Baltic Sea.<sup>42</sup>

Although the content of the final communiqué related primarily to oil and gas transit to Central Europe through the Black Sea and Ukraine, the participation of Turkey in the whole project seems both inevitable and essential as it remains a key player in the region.

According to the former Polish Minister of Foreign Affairs, Adam Rotfeld, if both Turkey and Ukraine become EU member states, Poland would be more secure. In various Polish reports both cases are analyzed simultaneously, however, Polish politicians

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<sup>40</sup> R. Akgünay, *Turkey's Approach to the Black Sea Region*, "Insight Turkey" 2006, vol. 8, no. 2, pp. 79–80.

<sup>41</sup> The authors propose the term 'Black Arc' to describe current and future political cooperation in the field of security of energy supplies between Azerbaijan, Georgia, Kazakhstan, Lithuania, Poland, Ukraine and Turkey. On a map all above countries form an arc while black is the color of crude oil.

<sup>42</sup> *Communiqué on the Presidents' energy cooperation meeting Krakow, May 11 2007*. Source: <http://www.mg.gov.pl/Wiadomosci/Energetyka/szczyt+krakow.htm>.

and analysts tend to pay more attention to neighboring Ukraine than Turkey. Piotr Kaźmierkiewicz points out:

The different weight and reasoning behind the support that the Polish officials and politicians offered to the two directions of enlargement were visible in their activities in the EU-wide forum. The contrast became evident in the level of involvement that the Polish politicians exhibited in the key events shaping the relations of the EU with either Turkey or Ukraine. The Polish government chose to take a similar position as other EU states, approving the decision to open negotiations with Turkey, but did not express any signs of strong enthusiasm.<sup>43</sup>

Some analysts are convinced that EU membership for Ukraine will not be possible without Turkish accession. If Turkey was accepted as an EU member, it would be impossible to ignore the pro-European aspirations of Ukraine.<sup>44</sup> Therefore the Polish government is in favor of their simultaneous accession and is trying to link the two cases. However, this is unlikely, due to the complicated political situation in Ukraine at the moment.<sup>45</sup> Besides, Adam Rotfeld stated that as an EU member Turkey would contribute to stabilization in the Balkans and provide a guarantee that it would be impossible to attack Europe from that direction.<sup>46</sup>

Furthermore, Turkey and Poland share the same view as far as the transatlantic alliance is concerned. Both countries maintain good and intense relations with the United States, although Poland seems to be more active in this field after 2003.<sup>47</sup> In February 2003

the Turkish Grand National Assembly refrained from authorizing the deployment of American troops on Turkish territory as a prelude to their participation in the imminent attack on Iraq from the north, despite heavy pressure from the Bush administration on the new Justice and Development government.<sup>48</sup>

Undoubtedly, the decision weakened Turkish – American relations. However, the question is only if the Turkish government is to blame for that. Melissa Maxey claims that

The United States must shift its policy toward Turkey to stop the downward direction of relations. It must respond to Turkish internal and external pressures. To succeed it needs to work towards resolutions of current and past problems and allow Turkey to fully develop its own leadership role and position as a prominent member of the Eu-

<sup>43</sup> P. Kaźmierkiewicz, *Poland*, in: *EU Accession Prospects for Turkey and Ukraine. Debates in New Member States*, P. Kaźmierkiewicz (ed.), Institute of Public Affairs, Warsaw 2006, p. 120.

<sup>44</sup> A. Szymański, *Przyszłe członkostwo Turcji w Unii Europejskiej – skutki dla Polski*, op. cit., pp. 39–40.

<sup>45</sup> Before the EU summit in Brussels of 17 December 2004 some Polish politicians had advised Prime Minister Marek Belka how to put European counterparts under pressure and convince them to support Ukraine. Poland was to demand a special declaration concerning future EU membership for Ukraine in exchange for Polish acceptance of the commencement of accession negotiations with Turkey in 2005. Jacek Saryusz-Wolski, Vice-President of the European Parliament, was among the biggest supporters of such policy.

<sup>46</sup> J. Bielecki, *Traktujmy Turków poważnie. Wywiad z Adamem Danielem Rotfledem*, op. cit.

<sup>47</sup> Current presence of Polish forces in Iraq and Afghanistan as well as negotiations concerning missile defense are the best examples of the Polish-American military cooperation. The role of Polish-American alliance was emphasized in the National Security Strategy of Poland of 22 July 2003.

<sup>48</sup> B. Aliriza, S. Çiftçi, *The U.S. – Turkish Alliance at the Iranian Junction?*, “Insight Turkey” 2006, vol. 8, no.1, p. 56.

rope and the Middle East (...) The Bush Administration should use the two years it has left to begin enacting some of these shifts in policy in order to start recovering Turkey as a strong, strategic partner.<sup>49</sup>

Recently another difference of opinion between the United States and Turkey appeared in relation to the Iranian nuclear program. In general, Poland supports the American point of view, however, similarly to Turkey, it stresses the need for a negotiated settlement rather than a military solution.<sup>50</sup> According to Ece Aksop

an intervention in Iran is likely to be very difficult. It may increase the level of instability in the region. Iran may become a source of serious instability which may contribute further to the deterioration of the overall situation in Turkey's immediate neighborhood.<sup>51</sup>

Nevertheless Turkey shares American concerns connected with the proliferation of nuclear weapons in its neighborhood. Therefore Turkey remains a key ally of the United States in the Middle East especially as a NATO member state. In May 2007 Secretary of State Condoleezza Rice praised Prime Minister Recep Tayyip Erdogan, who had been in favor of authorizing the deployment of American troops in 2003, during the political crisis in Turkey. She said, among other things, that the AKP government "has actually been a government dedicated to pulling Turkey West toward Europe."<sup>52</sup>

As such, it is a very valuable partner of Poland in the region especially as far as the Polish military presence in Iraq is concerned. Although rockets located in Poland as part of the missile defense shield could not protect Turkish territory from potential nuclear attacks, it is not an obstacle from the Turkish point of view. According to Barçın Yinanç,

the Bush administration request to install bases in Poland and the Czech Republic as part of its plans for missile defense met Russia's objections, which subsequently caused concerns among several western European countries worried about antagonizing Moscow. The Turkish government does not seem to share these concerns.<sup>53</sup>

Meanwhile, an argument concerning MD remains possible as the issue arouses a lot of controversy not only in these two countries, but also in the whole of Europe.

Close relations with Ankara strengthen Poland's position in the Middle East. In that regard, Poland has always maintained friendly relations with countries in the region, however, its current political as well as economic activity could be greater and not only limited to its military presence in Iraq, or as part of a peace-keeping mission in Leba-

<sup>49</sup> M. Maxey, *The Decline of Turkish – American Relations*, "Insight Turkey" 2007, vol. 9, no. 1, p. 29.

<sup>50</sup> *The Ministry of Foreign Affairs of the Republic of Poland: the Position of the Republic of Poland on the Iranian Nuclear Program*, 28 November 2006. Source: [http://www.msz.gov.pl/files/docs/stanowiska2007/En/DABW/Nuclear\\_prog.pdf](http://www.msz.gov.pl/files/docs/stanowiska2007/En/DABW/Nuclear_prog.pdf).

<sup>51</sup> E. Aksop, *The Iranian Nuclear Program: the NPT, the West, Iran and Turkey*, "Insight Turkey" 2006, vol. 8, no. 1, p. 75.

<sup>52</sup> Ü. Enginsoy, *Rice praises AKP, says US must back democracy*, "Turkish Daily News," 12 May 2007.

<sup>53</sup> B. Yinanç, *Turkey's position on US missile defence program*, "Turkish Daily News," 14 March 2007.

non. Even though the Turkish state model is not attractive to Arab countries, Turkey still remains a regional power with a significant influence on the political situation and could therefore represent various Polish interests in the Middle East.<sup>54</sup> The same argument concerns former Soviet republics in Central Asia.<sup>55</sup> Bülent Aras, in his book Turkey and the Greater Middle East, concluded that:

Turkey's status as a member of the region strengthens its ability to help transform the authoritarian regimes that historically and currently separate people governed by those regimes from positive relationships with other countries. Turkey's ability to speak out and influence political trends in the region is demonstrated by the fact that Turkish politicians who have called for further democratization in platforms like Organization of Islamic Conference even before this initiative came forward faced no major criticism and found a receptive audience.<sup>56</sup>

It should be emphasized that Turkey supported the idea of NATO enlargement including Poland in the 90's. As regards NATO activity, both Turkey and Poland are active members, which underlines the necessity of American engagement in Europe. In this case they oppose those countries which tend to minimize American influence on the shape of European security, e.g. France. Certainly, Poland appreciates the military role of Turkey. On 23 January 2007 President Lech Kaczyński expressed in Ankara:

Turkey will be the biggest state in Europe, in a uniting Europe. Finally, not diminishing in any way the role of NATO, of which Poland is, one could say, a committed member, it will also make Europe militarily stronger. These are two statements that I consider crucially important, but naturally bilateral relations are also essential.<sup>57</sup>

Besides, Polish and Turkish troops are present in Afghanistan where they cooperate under the auspices of the ISAF mission. As regards the European Security and Defence Policy, the Polish Ministry of Defence defines it as "an important platform for joint activities with allies such as Canada, Norway and Turkey."<sup>58</sup>

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<sup>54</sup> Before 2003 Arab countries had tended to perceive Turkey as a representative of American interests in the Middle East. Another source of tensions was its close relations with Israel, especially military cooperation. When the Turkish Grand National Assembly did not agree to maker Turkish military bases available for American forces in 2003 despite strong support from Prime Minister Erdogan, relations between Turkey and Arab countries, especially Syria, improved.

<sup>55</sup> "The long term fortunes of Turkey's relations with the new states in the former Soviet south will depend on the future of the energy sector, and more specifically on the routes of new pipelines. The construction of a series of oil and gas pipelines across Anatolia would reorient the hydrocarbons producers among the southern republics away from their old dependency on the territory controlled by Moscow to the north. More importantly for Ankara, the construction of the likes of the Baku-Ceyhan line would forge real strategic dependency on Turkey, for both the producer countries to the east and the consuming countries to the west." P. Robins, *Suits and Uniforms: Turkish Foreign Policy Since the Cold War*, Hurst, London 2003, p. 311.

<sup>56</sup> B. Aras, *Turkey and the Greater Middle East*, Tasam Publications, Istanbul 2004, p. 157.

<sup>57</sup> *The first day of the visit of the President of the Republic of Poland to Turkey, 23 January 2007*.  
Source: <http://www.president.pl/x.node?id=2011993&eventId=8027759>.

<sup>58</sup> *Ministry of National Defence of the Republic of Poland: Poland as a Reliable Partner for the Implementation of European Security and Defence Policy, 25 October 2006*, [http://www.wp.mil.pl/artykul\\_wiecej.php?idartykul=2349](http://www.wp.mil.pl/artykul_wiecej.php?idartykul=2349).

Turkish accession will also result in an increase in economic activity between Poland and Turkey as European integration creates new possibilities for business cooperation and removes trade barriers. It should be emphasized that Poland as an EU member state has already become a more attractive trade partner for Turkey. According to official statistics, the value of Polish exports to Turkey increased three-fold in 2004 compared to 2003 amounting to USD 601 million and USD 256 million respectively.<sup>59</sup> Yet this cooperation could be more intensive and export values higher. The Turkish market is vast and offers new prospects for Polish enterprises. Accordingly, Lech Kaczyński underlined this during his visit to Turkey in January 2007:

I am very happy that President Sezer attaches such importance to economic cooperation. As recently as 8–10 years ago, we would have regarded a 2 billion volume of trade as heavy trade. But today this is no longer the case, so the amount should be increased. We spoke of realistic opportunities involved in major investments in our country, investments in the infrastructure; the latter are largely, though not exclusively, connected with the European Union, with the expansion of the housing sector, with Poland's interest in investments in production. Naturally, there is also a problem of the expansion of Polish capital to Turkey, which today remains very limited. I think that as Polish capital generally starts expanding more intensively beyond Polish borders (and this process started about 2000), these investments, too, will be growing very rapidly. For this direction, the south-eastern direction, including Turkey, has traditionally been a direction of interest to Poland, in Polish history, and it has been so for centuries.<sup>60</sup>

### Divergent Interests

Although Turkey and Poland have many converging interests, Turkish membership could also constitute a threat to the Polish position in a few areas. Firstly, Turkish accession will affect the amount of European funds allocated to Poland. Obviously, such a decrease in available funds will not be the most important consequence, however, it will be perceived as such almost immediately by those local authorities which are responsible for their distribution. There are many scenarios in this regard concerning the financial aspects of Turkish membership. According to Robert Dziewulski and Marcin Cecot, the first budgetary year following enlargement may cost the EU from EUR 8.5 billion to EUR 21 billion if Turkey joins the Community in 2015.<sup>61</sup> The authors assumed that 28 countries will be EU member states in 2014, namely the EU-25 plus Bulgaria, Romania and Croatia. In this scenario the final sum depends on the conditions of accession accepted by both sides; for example, the higher sum represents 100 percent of allocated funds paid from the first year. A future solution in this area will be vital as far as funds available for Poland are concerned.

<sup>59</sup> J. Bielecki, *Korzystamy na tureckim boomie*, “Rzeczpospolita,” 17 December 2004.

<sup>60</sup> *The first day of the visit of the President of the Republic of Poland to Turkey, 23 January 2007*, op. cit.

<sup>61</sup> R. Dziewulski, M. Cecot, *Najważniejsze konsekwencje członkostwa Turcji w UE*, UKIE, Warszawa 2004, p. 43.

Undoubtedly, the final cost will be determined by EU policies. If the EU decides, for example, to decrease funds for the common agricultural policy, Poland will be forced to compete with Turkey for the limited amount of money. Nevertheless, such a situation may also create opportunities for Polish-Turkish cooperation while negotiating future EU budgets. Both countries will certainly be interested in a maximum outlay for the CAP.

Turkish accession will affect the voting system in EU institutions, especially as far as qualified majority voting (QMV) in the Council of Ministers is concerned. Undoubtedly, the Polish voice in EU institutions will be weakened after further enlargements, and especially after Turkish accession compared to the present situation. However, Poland will not lose much of its voting power in comparison with medium size or small member states. The results of research into the probable consequences of Turkish membership of the EU conducted by Katarzyna Smyk support this claim. The author bases her argument on the Banzhaf Power Index and assumes that 29 countries would form the EU after 2015.<sup>62</sup> Moreover, she presumes that the voting processes in the UE-29 would be based on the relevant provisions of the Treaty Establishing a Constitution for Europe.<sup>63</sup>

Katarzyna Smyk claims that the Polish vote in the Council of Ministers will lose weight, about 3.1% according to the Banzhaf Power Index; however, its loss will be relatively small and similar to those of other large member states. In this context, Turkish accession will be disadvantageous primarily to EU members with medium-sized or small populations, such as Greece or Estonia.

At the same time Turkey will have the right to veto any decision which requires unanimity within the Council of Ministers. Obviously a larger number of members will result in an increase in divergent interests and Turkey, like all other EU countries, will be able to make use of its veto in order to block any unsatisfactory proposals. Although unanimity is required only in a limited number of cases, for example, constitutional amendments, its influence on EU law is still significant.

Although Poles generally support Turkey on its path to EU membership, they are afraid of Turkish emigrants. This is shown by the outcome of a survey conducted by CBOS in August 2004. It appears that 21 percent of respondents perceived the future presence of Turks in Poland as advantageous. In contrast, 47 percent were against Turkish emigration to Poland, while 32 percent had no idea as far as that issue was concerned.<sup>64</sup> Interestingly, such an outcome seems to contradict attitudes towards EU

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<sup>62</sup> The Banzhaf Power Index is “a quantity to measure the political power of each member of a voting system. A member of a voting system is, e.g., a party in a parliament or a country in a confederation. In general, each member will have a certain number of votes, and so its power will be different. The index is derived by simply counting, for each member, the number of winning coalitions it can participate in but which are not winning if it does not participate.” Source: <http://math-it.org/Mathematik/MathPol/Banzhaf.html>. See also: A. D. Taylor, *Mathematics and Politics. Strategy, Voting, Power and Proof* (Springer-Verlag, New York–Berlin 1995).

<sup>63</sup> K. Smyk, *Konsekwencje przystąpienia Turcji dla procesu decyzyjnego w Unii Europejskiej*, UKIE, Warszawa 2004, pp. 1–4.

<sup>64</sup> Source: *Obcokrajowcy w Polsce* [foreigners in Poland], CBOS Report BS/141/2004. Available only in Polish on the following website: [http://www.cbos.pl/SPISKOM.POL/2004/K\\_141\\_04.PDF](http://www.cbos.pl/SPISKOM.POL/2004/K_141_04.PDF).

Table 1  
QMV positions of UE members according to the Treaty establishing a Constitution for Europe

Country	Population as percentage of EU-29	Banzhaf index in EU-25	Banzhaf index in EU-29	Change in percentage
Germany	14.7%	0.10407	0.10203	-2.0%
<b>Turkey</b>	<b>12.6%</b>	—	<b>0.0996</b>	—
United Kingdom	10.7%	0.07614	0.07644	0.4%
France	11.0%	0.07587	0.07611	0.3%
Italy	10.3%	0.07475	0.07469	-0.1%
Spain	7.3%	0.0567	0.05491	-3.2%
<b>Poland</b>	<b>6.8%</b>	<b>0.05602</b>	<b>0.05429</b>	<b>-3.1%</b>
Romania	3.9%	—	0.03786	—
Netherlands	2.9%	0.03715	0.03052	-17.8%
Greece	2.0%	0.03304	0.02495	-24.5%
Czech Republic	1.8%	0.03287	0.02474	-24.7%
Belgium	1.8%	0.03279	0.02463	-24.9%
Hungary	1.8%	0.03271	0.02453	-25.0%
Portugal	1.9%	0.03262	0.02442	-25.1%
Sweden	1.6%	0.03162	0.02314	-26.8%
Bulgaria	1.4%	—	0.0225	—
Austria	1.4%	0.03103	0.02239	-27.8%
Slovakia	1.0%	0.0287	0.0194	-32.4%
Denmark	1.0%	0.0287	0.0194	-32.4%
Finland	0.9%	0.02854	0.01918	-32.8%
Croatia	0.8%	—	0.01886	—
Ireland	0.7%	0.02737	0.01768	-35.4%
Lithuania	0.6%	0.02737	0.01768	-35.4%
Latvia	0.4%	0.0263	0.01628	-38.1%
Slovenia	0.4%	0.02598	0.01585	-39.0%
Estonia	0.2%	0.02547	0.01521	-40.3%
Cyprus	0.1%	0.0249	0.01445	-42.0%
Luxembourg	0.1%	0.02465	0.01413	-42.7%
Malta	0.1%	0.02465	0.01413	-42.7%

**Source:** K. Smyk, *Konsekwencje przystąpienia Turcji dla procesu decyzyjnego w Unii Europejskiej*, UKIE, Warszawa 2004, p. 6.

membership with full rights for Turkey which is supported by most of Poles. According to the survey, free movement of people, guaranteed in the ‘Charter of Fundamental Rights of the European Union,’ should be limited in the case of Turkey. Article 15, Paragraph 2, of the Charter reads as follows: “Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.”<sup>65</sup> The question is why Poles are opposed to potential Turkish emigration. By the way, it should be emphasized that Poles are skeptical not

<sup>65</sup> *Charter of Fundamental Rights of the European Union*, 2000/C 364/01.

only about emigrants from Turkey, but also those from other non-EU countries. The relevant findings from the CBOS report are presented in Table 2. The most plausible explanation for such an outcome in Poland is the high level of unemployment. In August 2004, when the survey was conducted, unemployment was very high having reached 20.6 percent.<sup>66</sup> In comparison with August 2004, it had decreased to 13.7 percent by April 2007.<sup>67</sup> Nonetheless, unemployment still constitutes one of the most serious problems for Polish society and therefore any political decision which might complicate the situation in the Polish labor market is viewed with anxiety. The survey shows that 47 percent of respondents pointed to the economic threat of emigration, while only 7 percent were concerned with terrorism and 6 percent with cultural differences.<sup>68</sup> At the same time it should be underlined that the Polish labor market is not attractive to Turks. Turkish migrants prefer countries from so-called Old Europe than the ten new member states where incomes are much lower. Such a claim has been demonstrated by the findings of relevant research conducted in Turkey:

When Turkey becomes an EU member and enjoys free movement of labor, the net inflow of migrants will most likely be in the direction to the EU-15 in the foreseeable future. The projections for potential Turkish migration based on the experiences of various countries differed.<sup>69</sup>

Table 2  
Would you accept emigrants from these countries in Poland?

Country of origin	YES	NO	NO IDEA
Russia	30	43	27
Vietnam	29	42	29
Belarus	27	43	30
Ukraine	26	47	27
African states	28	34	38
Arab states	18	55	27
Turkey	21	47	32

The above table is based on the findings of CBOS survey BS/141/2004 of August 2004.

## Conclusions

Turkish membership constitutes a significant opportunity not only for the European Union in general, but also for Poland. Although the quality as well as the intensity of bilateral relations between Turkey and Poland will depend on future particular interests,

<sup>66</sup> Source: [http://www.stat.gov.pl/dane\\_spol-gosp/praca\\_ludnosc/kwart\\_inf\\_rym\\_pracy/2005/I/tabc3.pdf](http://www.stat.gov.pl/dane_spol-gosp/praca_ludnosc/kwart_inf_rym_pracy/2005/I/tabc3.pdf).

<sup>67</sup> Source: [http://www.stat.gov.pl/gus/45\\_1487\\_PLK\\_HTML.htm](http://www.stat.gov.pl/gus/45_1487_PLK_HTML.htm) All above statistics were prepared by Central Statistical Office in Poland.

<sup>68</sup> Source: *Obcokrajowcy w Polsce* [foreigners in Poland], op. cit., p. 4.

<sup>69</sup> R. Erzan, U. Kuzubaş, N. Yıldız, *Growth and Immigration Scenarios: Turkey-EU*, "Turkish Policy Quarterly" 2004, vol. 3, no. 4, p. 151.

there are many convergent interests and tremendous potential for cooperation within the EU. In contrast to those member states with middle-sized or small populations, Poland will be able to gain a lot thanks to Turkish membership. It will not lose much of its current influence in EU institutions, for example in the Council of Ministers. Furthermore, Polish and Turkish voting patterns in those institutions can be expected to be similar or even the same. Yet it has to be underlined that most of the convergent interests depend on external factors such as regional security in the Middle East or the Caucasus, the shape of EU institutional reforms, transatlantic relations or Russian foreign policy.

As far as Turkish membership is concerned, the support declared by consecutive Polish governments has been a constant component of Polish foreign policy. Moreover, it has been independent of changes in the political scene. The attitude of the new right-wing cabinet, which was formed as a result of the parliamentary elections of September 2005, is the best example of such continuity. According to the official statements of leading politicians, Poland will not accept a privileged partnership for Turkey as a substitute for membership with full rights. This continuity proves that the convergent interests are dependable and lasting.

Representatives of the Polish authorities refer to the political advantages and European visions connected with membership for Turkey rather than to particular advantages for Poland. From the Polish point of view the most significant contribution that Turkey could make would concern European security in general and the security of energy supplies in particular. Turkey's future role as a transit country for crude oil and gas to Central Europe will be crucial and of great strategic importance for Poland which seeks alternative sources of supply.

As regards public opinion, Poles are generally in favor of Turkish membership. In comparison with other EU citizens, the percentage of supporters of Turkey is the highest in the EU. There are at least a few reasons for such an outcome, namely the historical background, the positive picture of Turkey in the Polish press, the absence of a Turkish minority in Poland, and no clear attitude on the part of the Catholic Church as well as an increase in the number of contacts between Poles and Turks, especially thanks to mass tourism to Turkey. However, there is also a paradox connected with the level of public support in Poland for Turkish membership. Although it is as high as 62 percent, Poles do not seem willing to accept emigrants from Turkey. One of the CBOS surveys shows that the main reason for such a paradox is high unemployment rather than cultural differences.

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